

**BOARD FOR BARBERS AND COSMETOLOGY**

**TENTATIVE AGENDA JULY 10, 2023**

**9:00 a.m., Board Room 2, Second Floor**

**Department of Professional and Occupational Regulation  
9960 Mayland Drive  
Richmond, Virginia 23233**

**I. CALL TO ORDER**

**II. EMERGENCY EVACUATION PROCEDURES**

**III. APPROVAL OF AGENDA**

1. Board for Barbers and Cosmetology Board Meeting Tentative Agenda, July 10, 2023

**IV. APPROVAL OF MINUTES**

1. Board for Barbers and Cosmetology Meeting Draft Minutes, May 15, 2023
2. Board for Barbers and Cosmetology Regulatory Review Committee Draft Minutes, May 15, 2023
3. Board for Barbers and Cosmetology Regulatory Review Committee Draft Minutes, June 13, 2023

**V. COMMUNICATIONS**

1. Email from Wen-Hao Van concerning AutoClave compliance
2. Email from Abby Qurraa concerning stricter regulations and high standards for professionals
3. Email from Dr. Schibner, President, Lotus Professional College concerning esthetics changes

**VI. PUBLIC COMMENT PERIOD \***

**VII. CASES**

- |     |            |  |                      |               |
|-----|------------|--|----------------------|---------------|
| 1.  | 2021-01788 | Zahra Ali Lakhani                                  | (Roberts & LaPierre) | Disciplinary  |
| 2.  | 2023-00335 | Empire Nails LLC                                   |                      | Consent Order |
| 3.  | 2023-01559 | Empire Nails LLC                                   |                      | Consent Order |
| 4.  | 2023-00339 | M & P Stonebridge LLC, t/a Creative Nail & Spa     |                      | Consent Order |
| 5.  | 2023-01363 | Roman Nail Bar Ltd                                 |                      | Consent Order |
| 6.  | 2023-00934 | Dead Rose Tattoo Studio LLC, t/a Dead Rose Tattoos |                      | Consent Order |
| 7.  | 2023-01902 | Emily Reynolds                                     |                      | Licensing     |
| 8.  | 2023-01804 | Thomas Starnes                                     |                      | Licensing     |
| 9.  | 2023-02049 | Diona Worthy                                       |                      | Licensing     |
| 10. | 2023-02050 | Christopher Lee                                    |                      | Licensing     |
| 11. | 2023-02447 | Haley Packer                                       |                      | Licensing     |

**VIII. EXAMINATIONS**

**A. STATISTICS**

**IX. REGULATORY ACTION AND BOARD GUIDANCE**

**A. REGULATORY REPORT**

**X. NEW BUSINESS**

**A. NOTICE OF INTENDED REGULATORY ACTION – BARBERS AND COSMETOLOGY**

**B. NOTICE OF INTENDED REGULATORY ACTION – ESTHETICS**

**C. NOTICE OF INTENDED REGULATORY ACTION – TATTOOING**

**D. NOTICE OF INTENDED REGULATORY ACTION – BODY-PIERCING**

**E. PERIODIC REVIEW – PUBLIC COMMENT**

**F. NIC 2023 MEMBERSHIP AND ANNUAL CONFERENCE**

**G. PORTABILITY OF PROFESSIONAL LICENSES OF SERVICEMEMBERS & THEIR SPOUSES**

**XI. ADJOURN**

\* 5-minute public comment, with the exception of any open disciplinary files. Persons desiring to attend the meeting and requiring special accommodations and/or interpretive services should contact the Board Office at (804) 367-8590 at least ten (10) days before the meeting so that suitable arrangements can be made for appropriate accommodation. The Department and Board fully comply with the Americans with Disabilities Act.

**2023 MEETING DATES:**

**September 25, 2023**

**November 13, 2023**

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

**PERIMETER CENTER CONFERENCE CENTER**  
**EMERGENCY EVACUATION OF BOARD AND TRAINING ROOMS**  
(Script to be read at the beginning of each meeting.)

**PLEASE LISTEN TO THE FOLLOWING INSTRUCTIONS ABOUT EXITING THE PREMISES IN THE EVENT OF AN EMERGENCY.**

In the event of a fire or other emergency requiring the evacuation of the building, alarms will sound. When the alarms sound, leave the room immediately. Follow any instructions given by Security staff

**Board Room 1**

Exit the room using one of the doors at the back of the room. **(Point)** Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

**Board Room 2**

Exit the room using one of the doors at the back of the room. **(Point)** Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

You may also exit the room using the side door **(Point)**, turn **Right** out the door and make an immediate **Left**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

**Board Rooms 3 and 4**

Exit the room using one of the doors at the back of the room. **(Point)** Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

**Training Room 1**

Exit the room using one of the doors at the back of the room. **(Point)** Upon exiting the room, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

**Training Room 2**

Exit the room using one of the doors at the back of the room. **(Point)** Upon exiting the doors, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

# BOARD FOR BARBERS AND COSMETOLOGY

## MINUTES OF MEETING

The Board for Barbers and Cosmetology met on Monday, May 15, 2023, at the Offices of the Department of Professional and Occupational Regulation, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room 2, Richmond, Virginia.

The following board members were present:

Matthew D. Roberts  
Margaret B. LaPierre  
Oanh "Tina" Pham Kim Dang  
Marques Blackmon  
Gregory Edwards  
Claudia Espinoza  
Emmanuel Gayot

The following board members were not present:

Sandra G. Smith  
Renee Gilanshan  
Bo Machayo

DPOR staff present for all, or part of the meeting included:

Demetrios Melis, Director  
Kishore Thota, Chief Deputy Director  
Stephen Kirschner, Deputy Director, Licensing & Regulatory Programs  
Kelley Smith, Executive Director  
Tamika Rodriguez, Regulatory Operations Administrator  
Heather Garnett, Administrative Coordinator

A representative from the Office of the Attorney General was present for the meeting.

Elizabeth Peay, Assistant Attorney General

Mr. Roberts, Chair, determined a quorum was present and called the meeting to order at 9:22 a.m.

**Call to Order**

Ms. Smith, Executive Director, explained the emergency evacuation rocedures for board room 2.

**Emergency  
Evacuation  
Procedures**

Ms. Smith informed the Board that case 2023-00335 Empire Nails LLC will be moved to the July Board Meeting.

**Approval of  
Agenda**

The Board took the amended agenda under consideration.

Upon a motion by Ms. LaPierre and second by Mr. Edwards, the Board voted to adopt the amended agenda.

The members voting “yes” were Ms. LaPierre, Mr. Edwards, Mr. Roberts, Ms. Dang, Mr. Blackmon, Ms. Espinoza, and Mr. Gayot. There were no negative votes. The motion passed unanimously.

The Board took the minutes of the March 13, 2023, Board Meeting under consideration.

**Approval of Minutes**

Upon a motion by Ms. LaPierre and seconded by Mr. Edwards, the Board voted to approve the minutes.

The members voting “yes” were Ms. LaPierre, Mr. Edwards, Mr. Roberts, Ms. Dang, Mr. Blackmon, Ms. Espinoza, and Mr. Gayot. There were no negative votes. The motion passed unanimously.

The Board took the minutes of the March 13, 2023, Regulatory Review Committee Meeting under consideration.

Upon a motion by Ms. LaPierre and seconded by Mr. Edwards, the Board voted to approve the minutes.

The members voting “yes” were Ms. LaPierre, Mr. Edwards, Mr. Roberts, Ms. Dang, Mr. Blackmon, Ms. Espinoza, and Mr. Gayot. There were no negative votes. The motion passed unanimously.

Ms. Smith called the Boards attention to the email from Annelies Bailey that is in the agenda. Annelies Bailey suggested during the Board’s reevaluation of lowering cosmetology hours training to allow a majority of the instruction to be completed online.

**Communication**

Soncee Baldwin addressed the Board concerning regulations to allow Permanent Cosmetic Tattooers to perform fine-line tattoos and eyelash extensions.

**Public Comment**

Laura Todd provided the Board handouts and expressed her concerns with the Board determining practical, theory, and online instruction. Ms. Todd also discussed esthetics training reduction.

Materials contained in this agenda are proposed for discussion and are not to be construed as regulation or official Board position.

Matthew England addressed the Board with his concerns on practical, theory, and online theory instruction and the reduction of esthetics training hours.

### Cases

In the matter of **File Number 2023-00118, Latonya D. Taliferro**, Ms. LaPierre recused herself from the case.

**File Number 2023-00118, Latonya D. Taliferro**

Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the Informal Fact-Finding Conference, transcript, investigative file, Report of Findings, and exhibits.

Latonya Taliferro did appear at the meeting in person and addressed the Board.

Upon motion by Mr. Edwards and seconded by Mr. Blackmon, the Board voted to accept the violation.

Upon motion by Mr. Blackmon and seconded by Mr. Edwards, the Board voted to accept the sanction recommendation which cites:

|                                    |                 |
|------------------------------------|-----------------|
| <u>Count 1: 18 VAC 41-20-280.4</u> | <u>\$100.00</u> |
| Total (monetary penalties)         | \$100.00        |

The members voting “yes” were Mr. Edwards, Mr. Roberts, Ms. Dang, Mr. Blackmon, Ms. Espinoza, and Mr. Gayot. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2021-01788, Zahra Ali Lakhani**, Ms. LaPierre recused herself from the case.

**File Number 2021-01788, Zahra Ali Lakhani**

Zahra Ali Lakhani did not appear at the meeting in person, by counsel, or by any other qualified representative.

Upon motion by Mr. Blackmon and seconded by Mr. Edwards, the Board voted to postpone the case to the next Board Meeting due to not having a quorum if Mr. Roberts recused himself.

The members voting “yes” were Mr. Edwards, Mr. Roberts, Ms. Dang, Mr. Blackmon, Ms. Espinoza, and Mr. Gayot. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2017-02300, Sonita Chea**, Mr. Roberts recused himself from the case.

**File Number 2017-02300, Sonita Chea**

Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the Informal Fact-Finding Conference, transcript, investigative file, Report of Findings, and exhibits.

Sonita Chea did not appear at the meeting in person, by counsel, or by any other qualified representative.

Upon motion by Mr. Blackmon and seconded by Ms. Espinoza, the Board voted to accept the violation.

Upon motion by Mr. Blackmon and seconded by Mr. Edwards, the Board voted to accept the sanction recommendation which cites:

|                               |            |
|-------------------------------|------------|
| Count 1: 18 VAC 41-20-280.A.3 | \$2,500.00 |
| Count 2: 18 VAC 41-20-280.6   | \$2,200.00 |
| Total (monetary penalties)    | \$4,700.00 |

In addition, license revocation for Counts 1 and 2.

The members voting “yes” were Mr. Edwards, Ms. LaPierre, Ms. Dang, Mr. Blackmon, Ms. Espinoza, and Mr. Gayot. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2022-02649, Graffiti Tattoo & Piercing Inc. t/a Graffiti's Ink Gallery**, Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the Informal Fact-Finding Conference, transcript, investigative file, Report of Findings, and exhibits.

**File Number 2022-02649, Graffiti Tattoo & Piercing Inc. t/a Graffiti's Ink Gallery**

A qualified representative from Graffiti Tattoo & Piercing Inc. did not appear at the meeting in person, by counsel.

Upon motion by Ms. LaPierre and seconded by Mr. Blackmon, the Board voted to accept the violation.

Upon motion by Ms. LaPierre and seconded by Ms. Esponza, the Board voted to accept the sanction recommendation.

Board discussed recommended sanction Count 1. A motion to friendly amend Count 1 to impose a monetary penalty to better reflect the severity of the

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violation was accepted by Ms. LaPierre, Mr. Blackmon, and Ms. Esponza. The Board voted to accept the sanctions:

|                             |            |
|-----------------------------|------------|
| Count 1: 18 VAC 41-60-180.A | \$ 250.00  |
| Count 2: 18 VAC 41-60-190.R | \$2,500.00 |
| Count 3: 18 VAC 41-60-190.K | \$ 500.00  |
| Total (monetary penalties)  | \$3,250.00 |

The members voting “yes” were Mr. Roberts, Mr. Edwards, Ms. LaPierre, Ms. Dang, Mr. Blackmon, Ms. Espinoza, and Mr. Gayot. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2023-01903, Donald Bryant Millen**, Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the Informal Fact-Finding Conference, transcript, investigative file, Report of Findings, and exhibits.

**File Number 2023-01903, Donald Bryant Millen**

Donald Bryant Millen appeared at the meeting in person and addressed the Board.

Upon a motion by Mr. Blackmon and seconded by Mr. Edwards, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Donald Millen’s application for Tattoo License.

The members voting “yes” were Mr. Roberts, Mr. Edwards, Ms. LaPierre, Ms. Dang, Mr. Blackmon, Ms. Espinoza, and Mr. Gayot. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2023-01619, Joseph Eugene Williams**, Mr. Edwards recused himself.

**File Number 2023-01619, Joseph Eugene Williams**

Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the Informal Fact-Finding Conference, transcript, investigative file, Report of Findings, and exhibits.

Joseph Williams appeared at the meeting in person and addressed the Board.

Upon a motion by Mr. Blackmon and seconded by Ms. Dang, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Joseph Williams's application for Tattoo License.

The members voting "yes" were Mr. Roberts, Ms. LaPierre, Ms. Dang, Mr. Blackmon, Ms. Espinoza, and Mr. Gayot. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2023-01623, Pro Nail Spa LLC**, Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the Informal Fact-Finding Conference, transcript, investigative file, Report of Findings, and exhibits.

**File Number 2023-01623, Pro Nail Spa LLC**

Khanh Nha Hoang appeared at the meeting in person and was provided a Vietnamese translator by the Board as she addressed the Board.

Upon a motion by Mr. Blackmon and seconded by Ms. Dang, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Pro Nail Spa LLC's application for Nail Salon License.

The members voting "yes" were Mr. Roberts, Ms. LaPierre, Mr. Edwards, Ms. Dang, Mr. Blackmon, Ms. Espinoza, and Mr. Gayot. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2023-01626, Michele Kari Lucht**, Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the Informal Fact-Finding Conference, transcript, investigative file, Report of Findings, and exhibits.

**File Number 2023-01626, Michele Kari Lucht**

Michele Lucht did not appear at the meeting in person, however, a letter from Michele Lucht was given to the Board.

Upon a motion by Ms. LaPierre and seconded by Ms. Espinoza, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Michele Lucht's application for Cosmetology License.

The members voting “yes” were Mr. Roberts, Ms. LaPierre, Mr. Roberts, Ms. Dang, Mr. Blackmon, Ms. Espinoza, and Mr. Gayot. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2023-01797, Dustin Wade Messer**, Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the Informal Fact-Finding Conference, transcript, investigative file, Report of Findings, and exhibits.

**File Number 2023-01797, Dustin Wade Messer**

Dustin Messer appeared at the meeting in person and addressed the Board.

Upon a motion by Mr. Edwards and seconded by Mr. Blackmon, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Dustin Messer’s application for Tattoo License.

The members voting “yes” were Mr. Roberts, Ms. LaPierre, Mr. Roberts, Ms. Dang, Mr. Blackmon, Ms. Espinoza, and Mr. Gayot. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2022-01022, Armaghan Amy Philippe**, Mr. Roberts recused himself from the case.

**File Number 2022-01022, Armaghan Amy Philippe**

Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the Informal Fact-Finding Conference, transcript, investigative file, Report of Findings, and exhibits.

Armaghan Amy Philippe did not appear at the meeting in person, by counsel, or by any other qualified representative.

Upon a motion by Mr. Blackmon and seconded by Mr. Edwards, the Board voted to accept the violation.

Upon a motion by Mr. Edwards and seconded by Mr. Blackmon, the Board voted to accept the sanction recommendation which cites:

|                                      |                   |
|--------------------------------------|-------------------|
| <u>Count 1: 18 VAC 41-20-280.A.3</u> | <u>\$2,250.00</u> |
| Total (monetary penalties)           | \$2,250.00        |

In addition, license revocation for Count 1.

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The members voting “yes” were Mr. Edwards, Ms. LaPierre, Ms. Dang, Mr. Blackmon, Ms. Espinoza, and Mr. Gayot. There were no negative votes. The motion passed unanimously.

Mr. Roberts requested the Board to review the handout on examination statistics.

The Board discussed the tattoo examination. Mr. Kirschner informed the Board that an Exam Director was hired.

Ms. Rodriguez informed the Board of the current regulatory actions:

- Easing Licensing Requirements for grandfathered licensees failing to renew licensure is a fast-track regulation in the initial review stage.
- The final stage of the Tattoo Regulations was approved. The public comment period will open on June 5.
- Lowering Cosmetology Training to 1000 hours is in the proposed regulatory stage.
- The Secretary of Labor requested the Board make a few changes to the Instructor Training regulations. Discussion on this regulatory action was moved to the new business portion of our meeting.

Ms. Smith informed the Board there is no Legislative report.

Ms. Rodriguez stated the Board authorized a regulatory action on January 9, 2023, extending the temporary permit for those completing a registered apprenticeship to 90 days. Staff encourages the Board to consider changing the regulations to allow individuals to apply for a 90-day temporary permit after completing a training program or a registered apprenticeship.

The Board discussed the 90-day temporary permit.

## **EXAMINATIONS**

### **Statistics**

## **REGULATORY ACTION AND BOARD GUIDANCE**

### **Regulatory Report**

### **Legislative Report**

## **NEW BUSINESS**

### **NOIRA Fast Track for 90 Temporary Permits for All Applicants**

Upon a motion by Mr. Blackmon and seconded by Mr. Edwards, the Board voted to accept the amended regulatory action.

The members voting “yes” were Mr. Roberts, Ms. LaPierre, Mr. Roberts, Ms. Dang, Mr. Blackmon, Ms. Espinoza, and Mr. Gayot. There were no negative votes. The motion passed unanimously.

Ms. Rodriguez stated that the guidance document in the agenda will help schools distinguish theory and practical coursework.

Upon a motion by Ms. LaPierre and seconded by Mr. Gayot, the Board voted to accept the guidance document.

The Board discussed the guidance document.

Upon a motion by Mr. Edwards and seconded by Ms. LaPierre to rescind the motion to accept the guidance document.

Upon a motion by Ms. LaPierre and seconded by Mr. Edwards to refer the guidance document to the Regulatory Review Committee for further evaluation.

The members voting “yes” were Mr. Roberts, Ms. LaPierre, Mr. Roberts, Ms. Dang, Mr. Blackmon, Ms. Espinoza, and Mr. Gayot. There were no negative votes. The motion passed unanimously.

Ms. Smith recommends referring the reduction of cosmetology apprenticeship hours to the Regulatory Review Committee. The Board is in agreement.

Ms. Smith asked the Board to consider combining the Esthetics and Master Esthetics Licenses.

The Board discussed whether to form a Regulatory Advisory Panel (RAP) to combine the Esthetics and Master Esthetics Licenses.

Upon a motion by Ms. LaPierre and seconded by Mr. Blackmon the Board will form a Regulatory Advisory Panel (RAP) Committee with the help of Staff. The RAP Committee will consist of 10 members, five school owners, two Estheticians, and three Master Estheticians.

**Guidance Document Amendment-Theory V. Practical Coursework**

**Cosmetology Apprenticeship Hours**

**Discussion-Esthetics Programs**

Materials contained in this agenda are proposed topics for discussion and are not to be considered as regulation or official Board position.

The members voting “yes” were Mr. Roberts, Ms. LaPierre, Mr. Roberts, Ms. Dang, Mr. Blackmon, Ms. Espinoza, and Mr. Gayot. There were no negative votes. The motion passed unanimously.

Ms. Rodriguez asked the Board to refer to the memo in the agenda, requesting the Board to consider withdrawing the instructor action or amending the language to eliminate the 400-hour curriculum requirement.

**Proposed  
Instructor  
Regulations  
Revision**

The Board discussed the instructor training program.

Upon a motion by Mr. Gayot and seconded by Mr. Edwards to amend the language and eliminate the 400-hour curriculum requirement.

The members voting “yes” were Mr. Roberts, Ms. LaPierre, Mr. Roberts, Ms. Dang, Mr. Blackmon, Ms. Espinoza, and Mr. Gayot. There were no negative votes. The motion passed unanimously.

Ms. Smith called the names of Board Members who volunteered on the Regulatory Review Committee:

Matthew D. Roberts  
Margaret B. LaPierre  
Oanh “Tina” Pham Kim Dang  
Marques Blackmon  
Gregory Edwards  
Emmanuel Gayot  
Renee Gilanshah

**Adjourn**

There being no further business to be brought before the Board, Mr. Roberts adjourned the meeting at 11:32 a.m.

Materials contained in this agenda are proposed for discussion and are not to be construed as regulation or official Board position.

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Matthew Roberts, Board Chair

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Demetrios J. Melis, Board Secretary

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**BOARD FOR BARBERS AND COSMETOLOGY**

**REGULATORY REVIEW COMMITTEE**

**MINUTES OF MEETING**

The Board for Barbers and Cosmetology, Regulatory Review Committee met on Wednesday, May 15, 2023, at the Offices of the Department of Professional and Occupational Regulation, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room 2, Richmond, Virginia.

The following board members were present:

Matthew Roberts  
Margaret LaPierre  
Tina Dang  
Gregory Edwards  
Marques Blackmon  
Emmanuel Gayot

The following board members were not present:

Renee Gilanshan

DPOR staff present for all, or part of the meeting included:

Steve Kirschner, Deputy Director, Licensing & Regulatory Programs  
Kelley Smith, Executive Director  
Tamika Rodriguez, Regulatory Operations Administrator  
Heather Garnett, Administrative Coordinator

A representative from the Office of the Attorney General was not present for the meeting.

Mr. Roberts Chair, called the Board for Barbers and Cosmetology, Regulatory Review Committee meeting to order at 12:10 a.m.

**Call to Order**

Upon a motion by Ms. LaPierre and second by Mr. Blackmon, the Board voted to adopt the agenda.

**Approval of Agenda**

The members voting “yes” were Mr. Roberts, Ms. LaPierre, Ms. Dang, Mr. Edwards, Mr. Blackmon, and Mr. Gayot. There were no negative votes. The motion passed unanimously.

No public comment.

**Public Comment**

Ms. Smith informed the Committee a line-by-line review of the Barber and Cosmetology Regulations is required to determine if the regulation is necessary to protect the health, welfare, and safety of the public. If the regulation does not currently meet those requirements the regulation should be amended or removed.

**Review of the Barbers and Cosmetology Regulations**

The committee reviewed the Barber and Cosmetology Regulations.

Staff will email the Committee inquiring about available dates to schedule the next Regulatory Review Committee meeting.

**Schedule Next Regulatory Review Committee Meeting**

There being no further business, the meeting adjourned at 1:39 p.m.

**Adjourn**

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Matthew Roberts, Board Chair

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Demetrios J. Melis, Board Secretary

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### STATEMENT OF PURPOSE

This booklet contains the information you will need to obtain your license. The law that governs your profession is found in the *Code of Virginia*, 1950, as amended, in Title 54.1, Chapter 7. That law permits the Department of Professional and Occupational Regulation to issue regulations that tell you more about what is expected of you in your profession. This booklet contains a copy of the regulations that you will need to know and obey to get and keep your license.

**BE SURE YOU READ AND UNDERSTAND THE STANDARDS OF PRACTICE AND CONDUCT. YOUR FAILURE TO OBEY THESE STANDARDS COULD RESULT IN A MONETARY PENALTY OR LOSS OF YOUR LICENSE.**

It is the goal of the Department of Professional and Occupational Regulation to provide you with the information you need to comply with the law and regulations. If you have a question and cannot find the answer to it in this booklet, please write to:

Board for Barbers and Cosmetology  
Perimeter Center, Suite 400  
9960 Mayland Drive  
Richmond, VA 23233

Or call the Agency at (804) 367-8509

Or e-mail at [barbercosmo@dpor.virginia.gov](mailto:barbercosmo@dpor.virginia.gov)

Information is also available on the Department of Professional and Occupational Regulation website:

[www.dpor.virginia.gov](http://www.dpor.virginia.gov)

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**CHAPTER 20.**

**REGULATIONS – BARBERING AND COSMETOLOGY**

**PART I.**

**GENERAL.**

**18 VAC 41-20-10. Definitions**

The following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise. All terms defined in Chapter 7 (§ [54.1-700](#) et seq.) of Title 54.1 of the Code of Virginia are incorporated in this chapter.

"Barber school" means a place or establishment licensed by the board to accept and train students and that offers a barber, master barber, or dual barber/master barber curriculum approved by the board.

"Business entity" means a sole proprietorship, partnership, corporation, limited liability company, limited liability partnership, or any other form of organization permitted by law.

"Direct supervision" means that a Virginia licensed barber, cosmetologist, nail technician, or wax technician shall be present in the barbershop, cosmetology salon, nail salon, or waxing salon at all times when services are being performed by a temporary permit holder or registered apprentice.

"Endorsement" means a method of obtaining a license by a person who is currently licensed in another state.

"Firm" means any business entity recognized under the laws of the Commonwealth of Virginia.

"Licensee" means any person, sole proprietorship, partnership, corporation, limited liability company, limited liability partnership, or any other form of organization permitted by law holding a license issued by the Board for Barbers and Cosmetology, as defined in § [54.1-700](#) of the Code of Virginia.

"Post-secondary educational level" means an accredited college or university that is approved or accredited by the Southern Association of Colleges and Schools Commission on Colleges or by an accrediting agency that is recognized by the U.S. Secretary of Education.

"Reciprocity" means a conditional agreement between two or more states that will recognize one another's regulations and laws for equal privileges for mutual benefit.

"Reinstatement" means having a license or certificate restored to effectiveness after the expiration date has passed.

"Renewal" means continuing the effectiveness of a license or certificate for another period of time.

"Responsible management" means the following individuals:

1. The sole proprietor of a sole proprietorship;
2. The partners of a general partnership;
3. The managing partners of a limited partnership;
4. The officers of a corporation;
5. The managers of a limited liability company;
6. The officers or directors of an association or both; and

Materials contained in this agenda proposal for discussion and are not to be construed as regulation or official Board position.

7. Individuals in other business entities recognized under the laws of the Commonwealth as having a fiduciary responsibility to the firm.

"Sole proprietor" means any individual, not a corporation, who is trading under his own name, or under an assumed or fictitious name pursuant to the provisions of §§ 59.1-69 through 59.1-76 of the Code of Virginia.

"Substantially equivalent exam" means an examination administered by the licensing entity which covers Virginia's scope of practice for that profession.

"Substantially equivalent training" means at least 80% of the required hours in Virginia and curriculum content covering Virginia's scope of practice for that profession.

"Virginia state institution" for the purposes of this chapter means any institution approved by the Virginia Department of Education or the Virginia Department of Corrections.

#### Historical Notes

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017; [Volume 35, Issue 12](#), eff. April 1, 2019. [Volume 37, Issue 26](#), eff. October 1, 2021.

### PART II.

#### ENTRY.

#### 18 VAC 41-20-20. General requirements for a Barber, Cosmetologist, Nail Technician, or Wax Technician License.

A. Any individual wishing to engage in barbering, cosmetology, nail care, or waxing shall obtain a license in compliance with § 54.1-703 of the Code of Virginia and shall meet the following qualifications:

1. The applicant shall be in good standing as a licensed barber, master barber, cosmetologist, nail technician, or wax technician in Virginia and all other jurisdictions where licensed. The applicant shall disclose to the board at the time of application for licensure, any disciplinary action taken in Virginia and all other jurisdictions in connection with the applicant's practice as a barber, master barber, cosmetologist, nail technician, or wax technician. This includes monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action ~~pertaining to services within the respective scope of practice~~, or voluntary termination of a license. ~~The applicant shall disclose to the board at the time of application for licensure if he has been previously licensed in Virginia as a barber, master barber, cosmetologist, nail technician, or wax technician.~~

Upon review of the applicant's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein the board deems the applicant is unfit or unsuited to engage in barbering, cosmetology, nail care, or waxing. The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this section. The applicant shall provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action.

2. The applicant shall disclose the applicant's physical address. A post office box ~~may be provided as a secondary address, is not acceptable.~~

3. The applicant shall sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia barber and cosmetology license laws and this chapter.

4. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose the following information regarding criminal convictions in Virginia and all other jurisdictions:

Board for Barbers and Cosmetology Regulations and Statutes

- a. All misdemeanor convictions involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury within two years of the date of the application; and
- b. All felony convictions within 10-20 years of the date of application.

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § [54.1-204](#) of the Code of Virginia.

5. The applicant shall provide evidence satisfactory to the board that the applicant has passed the board-approved examination, administered either by the board or by independent examiners.

B. Eligibility to sit for board-approved examination.

1. Training in the Commonwealth of Virginia. Any person completing one of the following programs can be approved for the examinations.

A. Any person completing an approved barber, master barber, cosmetology, nail technician, or wax technician training program in a Virginia licensed barber, cosmetology, nail technician, or wax technician school, respectively, or a

B. Virginia public school's barber, master barber, cosmetology, nail technician, or wax technician program approved by the Virginia Department of Education shall be eligible for examination.

C. Completing a registered apprenticeship.

D. Any barber, master barber, cosmetologist, nail technician, or wax technician applicant having a minimum of two years experience in barbering, master barbering, cosmetology, nail care, or waxing in the United States armed forces and having provided documentation satisfactory to the board of that experience shall be eligible for the respective examination.

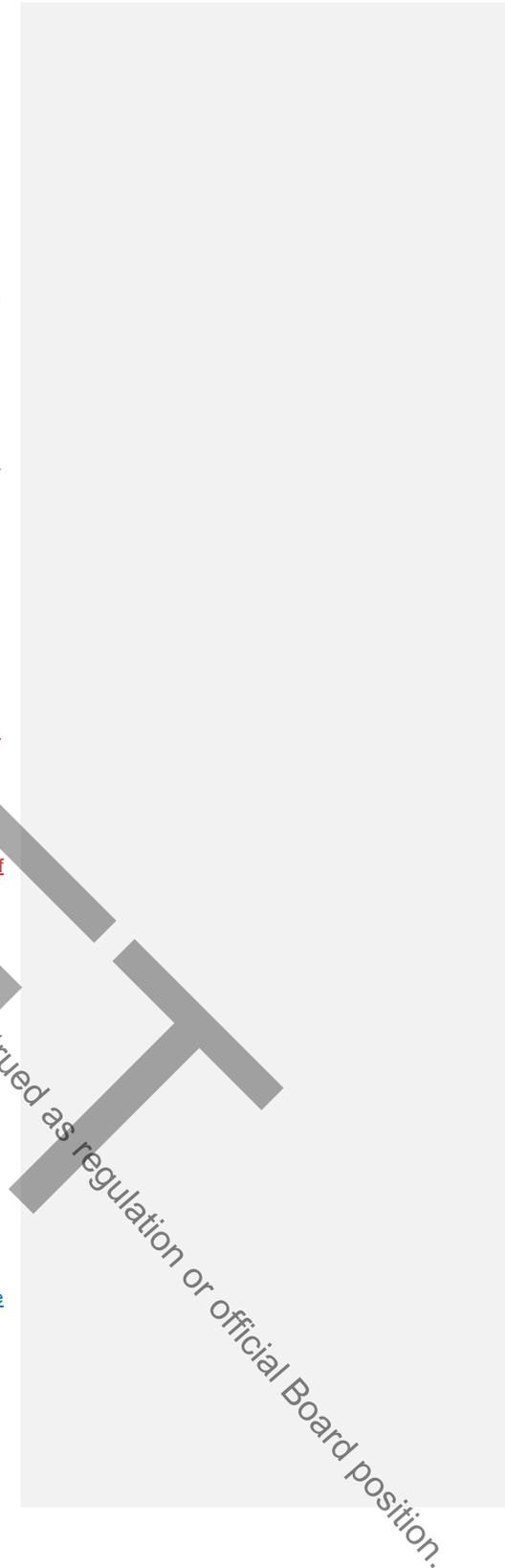
E. Virginia licensed cosmetologists with a minimum of two years of work experience shall be eligible for the master barber examination; likewise, a Virginia licensed master barber with a minimum of two years of work experience shall be eligible for the cosmetology examination.

F. Any barber, master barber, cosmetologist, nail technician, or wax technician applicant having been trained as a barber, master barber, cosmetologist, nail technician, or wax technician in any Virginia state institution shall be eligible for the respective examination.

2. Training outside of the Commonwealth of Virginia, ~~but within the United States and its territories.~~

A. Any person completing a barber, master barber, cosmetology, nail care, or waxing training program that is substantially equivalent to the Virginia program but is outside of the Commonwealth of Virginia must submit to the board documentation of the substantially equivalent training to be eligible for examination.

B. Applicants who completed a training program that is not substantially equivalent to Virginia's training, including out of country training, may substitute three years of work experience for training. Applicants should provide their work history demonstrating three five years of experience as a licensed barber, master barber, cosmetologist, nail technician, or wax technician in any other state or jurisdiction of the United States on a form provided by the board. Applicants who have earned a degree from an institution outside the United States must have their degree translated, authenticated and



evaluated by an education evaluation service if credit is sought for the education. The Board reserves the right to reject an evaluation submitted by an applicant.

**Statutory Authority**

§ [54.1-201](#) of the Code of Virginia.

**Historical Notes**

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017; [Volume 35, Issue 12](#), eff. April 1, 2019. [Volume 37, Issue 26](#), eff. October 1, 2021; [Volume 38, Issue 4](#), eff. December 1, 2021; Errata, 38:6 VA.R. 752 November 8, 2021.

**18 VAC 41-20-30. License by Endorsement.**

A. Upon proper application to the board, any person currently licensed to practice as a barber, master barber, cosmetologist, nail technician, or wax technician or who is a licensed instructor in the respective profession in any other state or jurisdiction of the United States and who has completed both a training program and a written and practical examination that is substantially equivalent to that required by this chapter, may be issued a barber, master barber, cosmetologist, nail technician, or wax technician license or the respective instructor certificate without an examination. The applicant must also meet the requirements set forth in [18VAC41-20-20](#) A and [18VAC41-20-109](#).

B. Applicants for licensure by endorsement who completed a training program that is not substantially equivalent to Virginia's training but otherwise meet all the requirements listed in subsection A of this section, may substitute three five years of work experience for training. Applicants should provide their work history demonstrating three five years of licensed experience in any other state or jurisdiction of the United States on a form provided by the board.

**Statutory Authority**

§ [54.1-201](#) of the Code of Virginia.

**Historical Notes**

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017; [Volume 35, Issue 12](#), eff. April 1, 2019. [Volume 37, Issue 26](#), eff. October 1, 2021.

**18 VAC 41-20-40. Apprenticeship Training.**

- ~~A. Licensed barbers, master barbers, cosmetologists, and nail technicians who train apprentices shall comply with the standards for apprenticeship, training established by the Division of Apprenticeship Training of the Virginia Department of Labor and Industry and the Virginia Board for Barbers and Cosmetology.~~
- ~~B. Responsible management Owners of barbershops, cosmetology salons, and nail salons who train apprentices shall comply with the standards for apprenticeship training established by the Division of Apprenticeship Training of the Virginia Department of Labor and Industry.~~

~~B. Any person completing the Virginia apprenticeship program in barbering, master barbering, cosmetology, or nail care shall be eligible for examination.~~

**Statutory Authority**

§ [54.1-201](#) of the Code of Virginia.

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Materials contained in this agenda are proposed for discussion and are not to be continued as a regulation or official Board position.

**Historical Notes**

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; [Volume 35, Issue 12](#), eff. April 1, 2019.

**~~18 VAC 41-20-50. Exceptions to Training Requirements.~~**

~~A. Virginia licensed cosmetologists with a minimum of two years of work experience shall be eligible for the master barber examination; likewise, a Virginia licensed master barber with a minimum of two years of work experience shall be eligible for the cosmetology examination.~~

~~B. Any barber, master barber, cosmetologist, nail technician, or wax technician applicant having been trained as a barber, master barber, cosmetologist, nail technician, or wax technician in any Virginia state institution shall be eligible for the respective examination.~~

~~C. Any barber, master barber, cosmetologist, nail technician, or wax technician applicant having a minimum of two years experience in barbering, master barbering, cosmetology, nail care, or waxing in the United States armed forces and having provided documentation satisfactory to the board of that experience shall be eligible for the respective examination.~~

~~D. Any licensed barber or barber student enrolling in a master barber training program in a licensed barber school shall be given educational credit for the training and performances completed in a barbering program at a licensed barber school.~~

**Statutory Authority**

§ [54.1-201](#) of the Code of Virginia.

**Historical Notes**

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017; [Volume 35, Issue 12](#), eff. April 1, 2019; [Volume 38, Issue 11](#), eff. March 1, 2022.

**18 VAC 41-20-60. Examination Requirements and Fees.**

A. Applicants for initial licensure shall pass both a practical examination and a written examination approved by the board. The examinations may be administered by the board or by a designated testing service.

B. Any applicant who passes one part of the examination shall not be required to take that part again provided both parts are passed within one year of the initial examination date.

~~C. Any candidate failing to appear as scheduled for examination shall forfeit the examination fee.~~

D. The fee for examination or reexamination is subject to contracted charges to the board by an outside vendor. These contracts are competitively negotiated and bargained for in compliance with the Virginia Public Procurement Act (§ [2.2-4300](#) et seq. of the Code of Virginia). Fees may be adjusted and charged to the candidate in accordance with these contracts. The fee shall not exceed \$225 per candidate.

E. Any candidate failing to apply for initial licensure within five years of passing both a practical examination and a written examination shall be required to retake both ~~portions examinations. Records of examinations shall be maintained for a maximum of five years.~~

**Statutory Authority**

§ [54.1-201](#) of the Code of Virginia.

Materials contained in this agenda are proposed for discussion and are not to be construed as regulation or official Board position.

**Historical Notes**

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2011.

**18 VAC 41-20-70. Reexamination Requirements.**

Any applicant who does not pass a reexamination within one year of the initial examination date shall be required to submit a new application and examination fee.

**Statutory Authority**

§ [54.1-201](#) of the Code of Virginia.

**Historical Notes**

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003.

**18 VAC 41-20-80. Examination Administration.**

A. The examinations shall be administered by the board or the designated testing service. The practical examination shall be supervised by a chief examiner.

B. Every barber, master barber, cosmetology, nail technician, or wax technician examiner shall hold a current Virginia license in his respective profession, have three or more years of active experience as a licensed professional, and be currently practicing in that profession. Examiners shall attend training workshops sponsored by the board or by a testing service acting on behalf of the board.

C. No certified barber, master barber, cosmetology, nail technician, or wax technician instructor who is currently teaching or is a school owner or is an apprentice sponsor shall be an examiner.

D. Each barber, master barber, cosmetology, nail technician, and wax technician chief examiner shall hold a current Virginia license in his respective profession, have five or more years of active experience in that profession, have three years of active experience as an examiner, and be currently practicing in his respective profession. Chief examiners shall attend training workshops sponsored by the board or by a testing service acting on behalf of the board.

E. The applicant shall follow all procedures established by the board with regard to conduct at the examination. Such procedures shall include written instructions communicated prior to the examination date and instructions communicated at the site, ~~either written or oral~~, on the date of the examination. Failure to comply with all procedures established by the board and the testing service with regard to conduct at the examination may be grounds for denial of application.

**Statutory Authority**

§ [54.1-201](#) of the Code of Virginia.

**Historical Notes**

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017; [Volume 35, Issue 12](#), eff. April 1, 2019.

**18 VAC 41-20-90. Barber, Master Barber, Cosmetology, Nail Technician, and Wax Technician Temporary Permits.**

A. A temporary permit to work under the supervision of a currently licensed barber, master barber, cosmetologist, nail technician, or wax technician may be issued only to applicants for initial licensure who the board finds eligible for examination. There shall be no fee for a temporary permit.

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~~B. The temporary permit shall remain in force for 45-90 days and no subsequent temporary permit shall be issued following the examination date. The examination date shall be the first test date after the applicant has successfully submitted an application to the board that an examination is offered to the applicant by the board.~~

C. Any person continuing to practice barbering, master barbering, cosmetology, nail care, or waxing services after a temporary permit has expired may be prosecuted and fined by the Commonwealth under §§ [54.1-111](#) A 1 and [54.1-202](#) of the Code of Virginia.

~~D. No applicant for examination shall be issued more than one temporary permit.~~

E. Temporary permits shall not be issued where grounds may exist to deny a license pursuant to § [54.1-204](#) of the Code of Virginia or [18 VAC 41-20-20](#).

**Statutory Authority**

§ [54.1-201](#) of the Code of Virginia.

**Historical Notes**

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017; [Volume 35, Issue 12](#), eff. April 1, 2019.

**18 VAC 41-20-100. General Requirements for a Barber Instructor Certificate, Cosmetology Instructor Certificate, Nail Technician Instructor Certificate, or Wax Technician Instructor Certificate.**

A. Any individual wishing to engage in barbering instruction, master barbering instruction, cosmetology instruction, nail care instruction, or waxing instruction shall meet the following qualifications:

1. The applicant shall be in good standing as a licensed barber, master barber, cosmetologist, nail technician, or wax technician, and instructor, respectively, in Virginia and all other jurisdictions where licensed. The applicant shall disclose to the board at the time of application for licensure any disciplinary action taken in Virginia and all other jurisdictions in connection with the applicant's practice as a barber, master barber, cosmetologist, nail technician, or wax technician, or in the practice of teaching any of those professions. This includes monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action, or voluntary termination of a license. The applicant shall disclose to the board at the time of application for licensure if the applicant has been previously licensed in Virginia as a barber instructor, master barber instructor, cosmetology instructor, nail technician instructor, or wax technician instructor.

Upon review of the applicant's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein the board deems the applicant is unfit or unsuited to engage in the instruction of barbering, cosmetology, nail care, or waxing. The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this section. The applicant shall provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action;

2. The applicant shall hold a current Virginia barber, master barber, cosmetology, nail technician, or wax technician license, respectively;

3. The applicant shall:

a. Pass a course in teaching techniques at the post-secondary educational level; [or](#)

~~b. Complete an instructor training course approved by the Virginia Board for Barbers and Cosmetology under the supervision of a certified barber, master barber, cosmetologist, nail technician, or wax technician instructor in a barber, cosmetology, nail technician, or wax technician school, respectively; or~~

c. Pass an examination in barber, master barber, cosmetology, nail technician, or wax technician instruction respectively, administered by the board or by a testing service acting on behalf of the board; and

4. In accordance with § [54.1-204](#) of the Code of Virginia, each applicant shall disclose the following information regarding criminal convictions in Virginia and all other jurisdictions:

a. All misdemeanor convictions involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury within two years of the date of the application; and

b. All felony convictions within 20 years of the date of application.

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § [54.1-204](#) of the Code of Virginia.

B. Instructors shall be required to maintain a barber, master barber, cosmetology, nail technician, or wax technician license, respectively.

#### Statutory Authority

§ [54.1-201](#) of the Code of Virginia.

#### Historical Notes

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017; [Volume 35, Issue 12](#), eff. April 1, 2019. [Volume 39, Issue 4](#), eff. December 1, 2021.

#### 18 VAC 41-20-110. Student Instructor Temporary Permit.

A. A licensed barber, master barber, cosmetologist, nail technician, or wax technician may be granted a student instructor temporary permit to function under the direct supervision of a barber instructor, master barber instructor, cosmetology instructor, nail technician instructor, or wax technician instructor respectively. A licensed nail technician or wax technician may also be granted a student instructor permit to function under the direct supervision of a cosmetology instructor.

B. The student instructor temporary permit shall remain in force for not more than 12 months after the date of issuance and shall be nontransferable and nonrenewable.

C. No applicant for examination shall be issued more than one student instructor temporary permit.

D. Failure to maintain a barber, master barber, cosmetology, nail technician, or wax technician license shall disqualify an individual from holding a student instructor temporary permit.

E. Temporary permits shall not be issued where grounds may exist to deny a license pursuant to § [54.1-204](#) of the Code of Virginia or [18 VAC 41-20-100](#).

#### Statutory Authority

§ [54.1-201](#) of the Code of Virginia.

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**Historical Notes**

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017; [Volume 35, Issue 12](#), eff. April 1, 2019.

**18 VAC 41-20-120. General Requirements for a Shop or Salon License.**

A. Any firm wishing to operate a barbershop, cosmetology salon, nail salon, or waxing salon shall obtain a shop or salon license in compliance with [§ 54.1-704.1](#) of the Code of Virginia and shall meet the following qualifications in order to receive a license:

1. The applicant and all members of the responsible management shall be in good standing as a licensed shop or salon in Virginia and all other jurisdictions where licensed. The applicant and all members of the responsible management shall disclose to the board at the time of application for licensure any disciplinary action taken in Virginia and all other jurisdictions in connection with the applicant's operation of any barbershop, cosmetology salon, nail salon, or waxing salon or practice of the profession. This includes monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action, or voluntary termination of a license. The applicant shall disclose to the board at the time of application for licensure if the applicant or any member of the responsible management has been previously licensed in Virginia as a barbershop, cosmetology salon, nail salon, or waxing salon.

Upon review of the applicant's and all members of the responsible management's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein it deems the applicant is unfit or unsuited to engage in the operation of a barbershop, cosmetology salon, nail salon, or waxing salon. The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this section. The applicant shall provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action.

2. The applicant shall disclose the applicant's physical address. A post office box is not acceptable.

3. The applicant shall sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia barber and cosmetology license laws and this chapter.

4. In accordance with [§ 54.1-204](#) of the Code of Virginia, each applicant shall disclose the following information about the firm and all members of the responsible management regarding criminal convictions in Virginia and all other jurisdictions:

- a. All misdemeanor convictions involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury within two years of the date of the application; and
- b. All felony convictions within 20 years of the date of application.

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with [§ 54.1-204](#) of the Code of Virginia.

5. The applicant shall disclose the firm's responsible management.

B. Shop or salon licenses are issued to firms as defined in this chapter and shall not be transferable and shall bear the same name and address of the business. Any changes in the name or address of the shop or salon shall be reported to the board in writing within 30 days of such changes. The board shall not be responsible for the licensee's, certificate holder's, or permit holder's failure to receive notices, communications, and correspondence caused by the licensee's, certificate holder's, or permit holder's

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failure to promptly notify the board in writing of any change of name or address or for any other reason beyond the control of the board.

C. Whenever the legal business entity holding the license is dissolved or altered to form a new business entity, the original license becomes void and shall be returned to the board within 30 days of the change. Additionally, the firm shall apply for a new license, within 30 days of the change in the business entity. Such changes include:

1. Death of a sole proprietor;
2. Death or withdrawal of a general partner in a general partnership or the managing partner in a limited partnership; and
3. Conversion, formation, or dissolution of a corporation, a limited liability company, an association, or any other business entity recognized under the laws of the Commonwealth of Virginia.

D. Any change in the officers of a corporation, managers of a limited liability company, or officers or directors of an association shall be reported to the board in writing within 30 days of the change.

E. The board or any of its agents shall be allowed to inspect during reasonable hours any licensed shop or salon for compliance with provisions of Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia or this chapter. For purposes of a board inspection, "reasonable hours" means the hours between 9 a.m. and 5 p.m.; however, if the licensee generally is not open to the public substantially during the same hours, "reasonable hours" shall mean the business hours when the licensee is open to the public.

#### Statutory Authority

§ [54.1-201](#) of the Code of Virginia.

#### Historical Notes

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017. [Volume 38, Issue 4](#), eff. December 1, 2021.

#### 18 VAC 41-20-130. General Requirements for a School License.

A. Any firm wishing to operate a barber, cosmetology, nail technician, or wax technician school shall submit an application to the board at least 60 days prior to the date for which approval is sought, obtain a school license in compliance with § [54.1-704.2](#) of the Code of Virginia, and meet the following qualifications in order to receive a license:

1. The applicant and all members of the responsible management shall be in good standing as a licensed school in Virginia and all other jurisdiction where licensed. The applicant and all members of the responsible management shall disclose to the board at the time of application for licensure any disciplinary action taken in Virginia and all other jurisdictions in connection with the applicant's operation of any barbering, cosmetology, nail, or waxing school or practice of the profession. This includes to monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action, or voluntary termination of a license. The applicant shall disclose to the board at the time of application for licensure if the applicant or any member of the responsible management has been previously licensed in Virginia as a barbering, cosmetology, nail, or waxing school.

Upon review of the applicant's and all members of the responsible management's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein the board deems the applicant is unfit or unsuited to engage in the operation of a barbering, cosmetology, nail, or waxing school. The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes

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of this section. The applicant shall provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action.

2. The applicant shall disclose the applicant's physical address. A post office box is not acceptable.
3. The applicant shall sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia barber and cosmetology license laws and this chapter.
4. In accordance with § [54.1-204](#) of the Code of Virginia, each applicant shall disclose the following information about the firm and all members of the responsible management regarding criminal convictions in Virginia and all other jurisdictions:
  - a. All misdemeanor convictions involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury within two years of the date of the application; and
  - b. All felony convictions within 20 years of the date of application.

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § [54.1-204](#) of the Code of Virginia.

5. The applicant shall disclose the firm's responsible management.

B. Barber, cosmetology, nail technician, and wax technician school licenses are issued to firms as defined in this chapter, shall not be transferable, and shall bear the same name and address as the school. Any changes in the name or the address of record or principal place of business of the school shall be reported to the board in writing within 30 days of such change. The board shall not be responsible for the licensee's, certificate holder's, or permit holder's failure to receive notices, communications, and correspondence caused by the licensee's, certificate holder's, or permit holder's failure to promptly notify the board in writing of any change of name or address or for any other reason beyond the control of the board. The name of the school must indicate that it is an educational institution. All signs, or other advertisements, must reflect the name as indicated on the license issued by the board and contain language indicating it is an educational institution.

C. Whenever the legal business entity holding the license is dissolved or altered to form a new business entity, the original license becomes void and shall be returned to the board within 30 days of the change. Additionally, the firm shall apply for a new license within 30 days of the change in business entity. Such changes include:

1. Death of a sole proprietor;
2. Death or withdrawal of a general partner in a general partnership or the managing partner in a limited partnership; and
3. Conversion, formation, or dissolution of a corporation, a limited liability company, an association, or any other business entity recognized under the laws of the Commonwealth of Virginia.

D. Any change in the officers of a corporation, managers of a limited liability company, or officers or directors of an association shall be reported to the board in writing within 30 days of the change.

E. Barber schools, cosmetology schools, nail schools, or waxing schools under the Virginia Department of Education shall be exempted from licensure requirements.

Materials contained in this document are proposed for discussion and are not to be construed as regulation or official Board position.

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Board for Barbers and Cosmetology Regulations and Statutes

F. The board or any of its agents shall be allowed to inspect during reasonable hours any licensed school for compliance with provisions of Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia or this chapter. For purposes of a board inspection, "reasonable hours" means the hours between 9 a.m. and 5 p.m.; however, if the licensee generally is not open to the public substantially during the same hours, "reasonable hours" shall mean the business hours when the licensee is open to the public.

**Statutory Authority**

§ 54.1-201 of the Code of Virginia.

**Historical Notes**

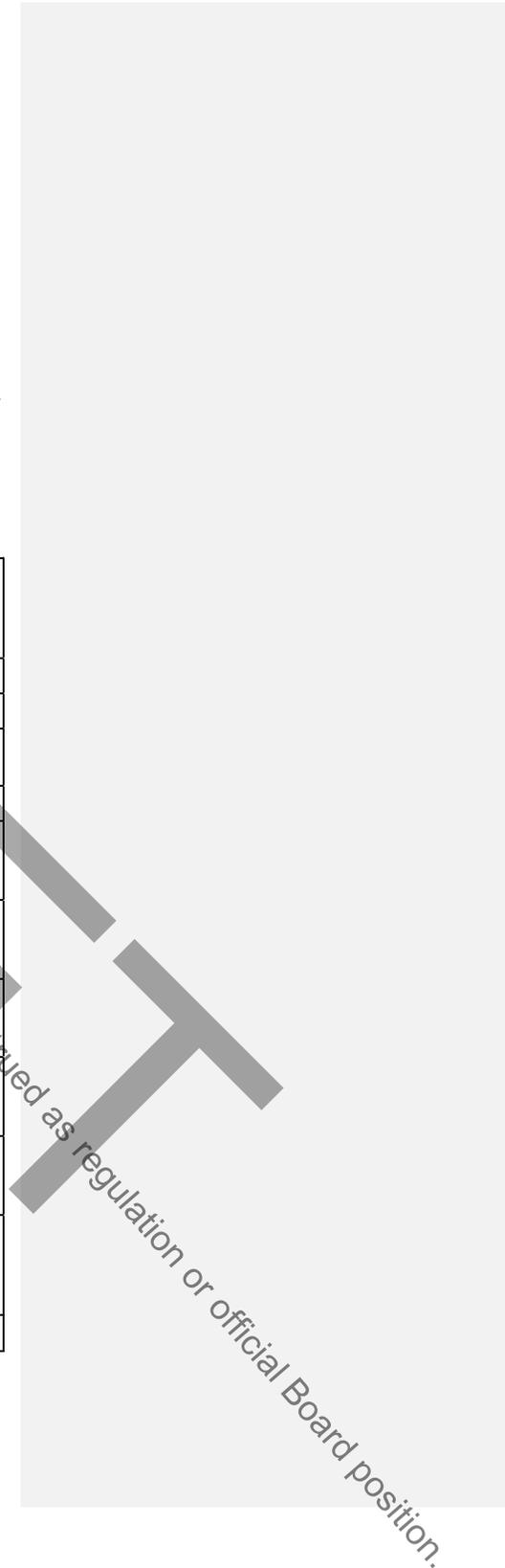
Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017; [Volume 38, Issue 4](#), eff. December 1, 2021.

Part III  
Fees

**18VAC41-20-140. Fees.**

The following fees apply:

| FEE TYPE                  | AMOUNT DUE<br>September 1, 2022,<br>through August 31,<br>2024        | AMOUNT DUE<br>September 1, 2024, and<br>after                           | WHEN DUE   |
|---------------------------|---|---|--|
| Individuals:              |   |   |  |
| Application               | \$90  | \$105   | With application                                 |
| License by<br>Endorsement | \$90  | \$105   | With application                                 |
| Renewal:                  |   |   |  |
| Barber                    | \$90  | \$105   | With renewal card<br>prior to expiration<br>date |
| Master Barber             | \$90  | \$105   | With renewal card<br>prior to expiration<br>date |
| Cosmetologist             | \$90  | \$105   | With renewal card<br>prior to expiration<br>date |
| Nail Technician           | \$90  | \$105   | With renewal card<br>prior to expiration<br>date |
| Wax Technician            | \$90  | \$105   | With renewal card<br>prior to expiration<br>date |
| Reinstatement             | \$180*<br>*includes \$90 renewal<br>fee and \$90<br>reinstatement fee | \$210*<br>*includes \$105 renewal<br>fee and \$105<br>reinstatement fee | With reinstatement<br>application                |
| Instructors:              |   |   |  |



Board for Barbers and Cosmetology Regulations and Statutes

|                        |   |   |  |
|------------------------|---|---|--|
| Application            | \$110   | \$125   | With application                           |
| License by Endorsement | \$110   | \$125   | With application                           |
| Renewal                | \$110   | \$150   | With renewal card prior to expiration date |
| Reinstatement          | \$220*<br>*includes \$110 renewal fee and \$110 reinstatement fee | \$300*<br>*includes \$150 renewal fee and \$150 reinstatement fee | With reinstatement application             |
| Facilities:            |   |   |  |
| Application            | \$165   | \$190   | With application                           |
| Renewal                | \$165   | \$190   | With renewal card prior to expiration date |
| Reinstatement          | \$330*<br>*includes \$165 renewal fee and \$165 reinstatement fee | \$380*<br>*includes \$190 renewal fee and \$190 reinstatement fee | With reinstatement application             |
| Schools:               |   |   |  |
| Application            | \$185   | \$220   | With application                           |
| Add Program            | \$100   | \$100   | With application                           |
| Renewal                | \$185   | \$220   | With renewal card prior to expiration date |
| Reinstatement          | \$370*<br>*includes \$185 renewal fee and \$185 reinstatement fee | \$440*<br>*includes \$220 renewal fee and \$220 reinstatement fee | With reinstatement application             |

**Statutory Authority**

§ [54.1-201](#) of the Code of Virginia.

**Historical Notes**

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 27, Issue 23](#), eff. September 1, 2011; [Volume 30, Issue 10](#), eff. March 1, 2014; [Volume 32, Issue 24](#), eff. September 1, 2016; [Volume 33, Issue 09](#), eff. February 1, 2017; [Volume 34, Issue 22](#), eff. August 1, 2018; [Volume 35, Issue 12](#), eff. April 1, 2019; [Volume 36, Issue 21](#), eff. September 1, 2020. [Volume 38, Issue 25](#), eff. September 1, 2022.

**18 VAC 41-20-150. Refunds.**

All fees are nonrefundable and shall not be prorated.

**Statutory Authority**

§ [54.1-201](#) of the Code of Virginia.

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

**Historical Notes**

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003.

**PART IV.**

**RENEWAL/REINSTATEMENT.**

**18 VAC 41-20-160. License Renewal Required.**

A license or certificate issued under this chapter shall expire two years from the last day of the month in which it was issued.

**Statutory Authority**

§ [54.1-201](#) of the Code of Virginia.

**Historical Notes**

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003, amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017.

**18 VAC 41-20-170. Notice of Renewal.**

The Department of Professional and Occupational Regulation will mail a renewal notice to the licensee or certificate holder outlining the procedures for renewal. Failure to receive this notice, however, shall not relieve the licensee or certificate holder of the obligation to renew. If the licensee or certificate holder fails to receive the renewal notice, a copy of the old license or certificate may be submitted as evidence of intent to renew, along with the required fee.

**Statutory Authority**

§ [54.1-201](#) of the Code of Virginia.

**Historical Notes**

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003.

**18 VAC 41-20-180. Failure to Renew.**

A. When a licensed or certified individual or business entity fails to renew its license or certificate within 30 days following its expiration date, the licensee or certificate holder shall apply for reinstatement of the license or certificate by submitting to the Department of Professional and Occupational Regulation a reinstatement application and renewal fee and reinstatement fee.

B. When a licensed or certified individual or business entity fails to renew its license within two years following the expiration date, reinstatement is no longer possible. To resume practice, the former licensee or certificate holder shall apply for licensure or certification as a new applicant and shall meet all current entry requirements for each respective license or certificate.

C. The application for reinstatement for a school shall provide (i) the reasons for failing to renew prior to the expiration date and (ii) a notarized statement that all students currently enrolled or seeking to enroll at the school have been notified in writing that the school's license has expired. All of these materials shall be called the application package. Reinstatement will be considered by the board if the school consents to and satisfactorily passes an inspection of the school and if the school's records are maintained in accordance with [18 VAC 41-20-240](#) and [18 VAC 41-20-250](#) by the Department of Professional and Occupational Regulation. Pursuant to [18 VAC 41-20-130](#), upon receipt of the reinstatement fee, application package, and inspection results, the board may reinstate the school's license or require

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requalification or both. If the reinstatement application package and reinstatement fee are not received by the board within six months following the expiration date of the school's license, the board will notify the testing service that prospective graduates of the unlicensed school are not acceptable candidates for the examination. Such notification will be sent to the school and must be displayed in a conspicuous manner by the school in an area that is accessible to the public. No student shall be disqualified from taking the examination because the school was not licensed for a portion of the time the student attended if the school license is reinstated by the board.

D. The date a renewal fee is received by the Department of Professional and Occupational Regulation, or its agent, will be used to determine whether the requirement for reinstatement of a license or certificate is applicable.

E. When a license or certificate is reinstated, the licensee or certificate holder shall be assigned an expiration date two years from the date of the last day of the month of reinstatement.

F. A licensee or certificate holder that reinstates its license or certificate shall be regarded as having been continuously licensed or certified without interruption. Therefore, a licensee or certificate holder shall be subject to the authority of the board for activities performed prior to reinstatement.

G. A licensee or certificate holder that fails to reinstate its license or certificate shall be regarded as unlicensed or uncertified from the expiration date of the license or certificate forward. Nothing in this chapter shall divest the board of its authority to discipline a licensee or certificate holder for a violation of the law or regulations during the period of time for which the individual was licensed or certified.

#### Statutory Authority

§ [54.1-201](#) of the Code of Virginia.

#### Historical Notes

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017.

### PART V.

#### BARBER AND COSMETOLOGY SCHOOLS

##### 18 VAC 41-20-190. Applicants for State Approval (Repealed.)

#### Historical Notes

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; repealed, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017.

##### 18 VAC 41-20-200. General Requirements.

A barber, cosmetology, nail, or waxing school shall:

1. Hold a school license for each and every location.
2. Hold a salon license if the school receives compensation for services provided in its clinic.
3. Employ a staff of and ensure all training is conducted by licensed and certified barber, master barber, cosmetology, nail technician, or wax technician instructors, respectively.
  - a. Licensed and certified cosmetology instructors may also instruct in nail and waxing programs.

- b. Licensed and certified esthetics instructors and master esthetics instructors may also instruct in waxing programs.
4. Develop individuals for entry level competency in barbering, master barbering, cosmetology, nail care, or waxing.
  5. Submit its curricula for board approval. All changes to curricula must be resubmitted and approved by the board.
    - a. Barber curricula shall be based on a minimum of 1,100 clock hours and shall include performances in accordance with [18 VAC 41-20-220](#).
    - b. Master barber curricula shall be based on a minimum of 400 clock hours and shall include performances in accordance with [18 VAC 41-20-220](#).
    - c. Dual barber/master barber program curricula shall be based on a minimum of 1,500 clock hours and shall include performances in accordance with [18 VAC 41-20-220](#).
    - d. Cosmetology curricula shall be based on a minimum of 1,500 clock hours and shall include performances in accordance with [18 VAC 41-20-220](#).
    - e. Nail technician curricula shall be based on a minimum of 150 clock hours and shall include performances in accordance with [18 VAC 41-20-220](#).
    - f. Wax technician curricula shall be based on a minimum of 115 clock hours and shall include performances in accordance with [18 VAC 41-20-220](#).
  6. Inform the public that all services are performed by students if the school receives compensation for services provided in its clinic by posting a notice in the reception area of the shop or salon in plain view of the public.
  7. Conduct classroom instruction in an area separate from the clinic area where practical instruction is conducted and services are provided.
  8. Possess the necessary equipment and implements to teach the respective curriculum. If any such equipment or implement is not owned by the school, then a copy of all agreements associated with the use of such property by the school shall be provided to the board.

#### Statutory Authority

§ [54.1-201](#) of the Code of Virginia.

#### Historical Notes

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017; [Volume 34, Issue 06](#), eff. January 1, 2018; [Volume 35, Issue 12](#), eff. April 1, 2019.

#### 18 VAC 41-20-210. Curriculum Requirements.

A. Each barber school shall submit with its application a curriculum including a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for barbering shall include the following:

1. School policies;
2. State law, regulations, and professional ethics;
3. Business and shop management;
4. Client consultation;

5. Personal hygiene;
6. Cutting the hair with a razor, clippers, and shears;
7. Tapering the hair;
8. Thinning the hair;
9. Shampooing the hair;
10. Shaving;
11. Trimming a moustache or beard;
12. Applying hair color;
13. Analyzing skin or scalp conditions;
14. Giving scalp treatments;
15. Giving basic facial massage or treatment;
16. Sanitizing and maintaining implements and equipment; and
17. Honing and stropping a razor.

B. Each barber school seeking to add a master barber program shall submit with its application a curriculum including a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for master barbering shall include the following:

1. Styling the hair with a hand hair dryer;
2. Thermal waving;
3. Permanent waving with chemicals;
4. Relaxing the hair;
5. Lightening or toning the hair;
6. Hairpieces and wigs; and
7. Waxing limited to the scalp.

C. Each school seeking to add a dual barber/master barber program shall submit with its application a curriculum including a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for dual barber/master barber program shall include the following:

1. School policies;
2. State law, regulations, and professional ethics;
3. Business and shop management;
4. Client consultation;
5. Personal hygiene;
6. Cutting the hair with a razor, clippers, and shears;
7. Tapering the hair;
8. Thinning the hair;
9. Shampooing the hair;
10. Styling the hair with a hand hair dryer;
11. Thermal waving;
12. Permanent waving with chemicals;
13. Relaxing the hair;
14. Shaving;
15. Trimming a moustache or beard;
16. Applying hair color;
17. Lightening or toning the hair;
18. Analyzing skin or scalp conditions;
19. Giving scalp treatments;
20. Waxing limited to the scalp;
21. Giving basic facial massage or treatment;

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22. Hair pieces;
23. Sanitizing and maintaining implements and equipment; and
24. Honing and stropping a razor.

D. Each cosmetology school shall submit with its application a curriculum including a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for cosmetology shall include the following:

1. Orientation:
  - a. School policies;
  - b. State law, regulations, and professional ethics;
  - c. Personal hygiene; and
  - d. Bacteriology, sterilization, and sanitation.
2. Manicuring and pedicuring:
  - a. Anatomy and physiology;
  - b. Diseases and disorders;
  - c. Procedures to include both natural and artificial application; and
  - d. Sterilization.
3. Shampooing and rinsing:
  - a. Fundamentals;
  - b. Safety rules;
  - c. Procedures; and
  - d. Chemistry, anatomy, and physiology.
4. Scalp treatments:
  - a. Analysis;
  - b. Disorders and diseases;
  - c. Manipulations; and
  - d. Treatments.
5. Hair styling:
  - a. Anatomy and facial shapes;
  - b. Finger waving, molding, and pin curling;
  - c. Roller curling, combing, and brushing; and
  - d. Heat curling, waving, and pressing.
6. Hair cutting:
  - a. Anatomy and physiology;
  - b. Fundamentals, materials, and equipment;
  - c. Procedures; and
  - d. Safety practices.
7. Permanent waving-chemical relaxing:
  - a. Analysis;
  - b. Supplies and equipment;
  - c. Procedures and practical application;
  - d. Chemistry;
  - e. Recordkeeping; and
  - f. Safety.
8. Hair coloring and bleaching:
  - a. Analysis and basic color theory;
  - b. Supplies and equipment;

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- c. Procedures and practical application;
- d. Chemistry and classifications;
- e. Recordkeeping; and
- f. Safety.

9. Skin care and make-up:

- a. Analysis;
- b. Anatomy;
- c. Health, safety, and sanitary rules;
- d. Procedures;
- e. Chemistry and light therapy;
- f. Temporary removal of hair; and
- g. Lash and brow tinting.

10. Wigs, hair pieces, and related theory:

- a. Sanitation and sterilization;
- b. Types; and
- c. Procedures.

11. Salon management:

- a. Business ethics; and
- b. Care of equipment.

E. Each nail school shall submit with its application a curriculum including a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for nail care shall include the following:

1. Orientation:
  - a. School policies; and
  - b. State law, regulations, and professional ethics;
2. Sterilization, sanitation, bacteriology, and safety;
3. Anatomy and physiology;
4. Diseases and disorders of the nail;
5. Nail procedures (i.e., manicuring, pedicuring, and nail extensions); and
6. Nail theory and nail structure and composition.

F. Each waxing school shall submit with its application a curriculum including a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for waxing shall include the following:

1. Orientation:
  - a. School policies;
  - b. State law, regulations, and professional ethics; and
  - c. Personal hygiene.
2. Skin care and treatment:
  - a. Analysis;
  - b. Anatomy and physiology;
  - c. Diseases and disorders of the skin;

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- d. Health sterilization, sanitation, bacteriology, and safety including infectious disease control measures; and
  - e. Temporary removal of hair.
3. Skin theory, skin structure, and composition.
4. Client consultation:
- a. Health conditions;
  - b. Skin analysis;
  - c. Treatments;
  - d. Client expectations; and
  - e. Health forms and questionnaires.
5. Waxing procedures for brow, lip, facial, legs, arms, underarm, chest, back, and bikini areas:
- a. Fundamentals;
  - b. Safety rules; and
  - c. Procedures.
6. Wax treatments:
- a. Analysis;
  - b. Disorders and diseases;
  - c. Manipulations; and
  - d. Treatments.
7. Salon management:
- a. Business ethics; and
  - b. Care of equipment.

G. A licensed school with an approved barber, master barber, dual barber/master barber, cosmetology, nail technician, or wax technician program may conduct an assessment of a student's competence in the respective profession and, based on the assessment, give credit toward the hours requirements specified in the respective subsection of this section and [18VAC41-20-220](#).

The school shall make the assessment based on a review of the student's transcript and the successful completion of a board-approved competency examination administered by the school. The school may also request a copy of a catalog or bulletin giving the full course description when making the evaluation. The number of credit hours awarded shall not exceed the actual hours of instruction verified on the transcript or the number of hours specified in the board-approved curriculum for a specific topic.

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**Statutory Authority**

§ [54.1-201](#) of the Code of Virginia.

**Historical Notes**

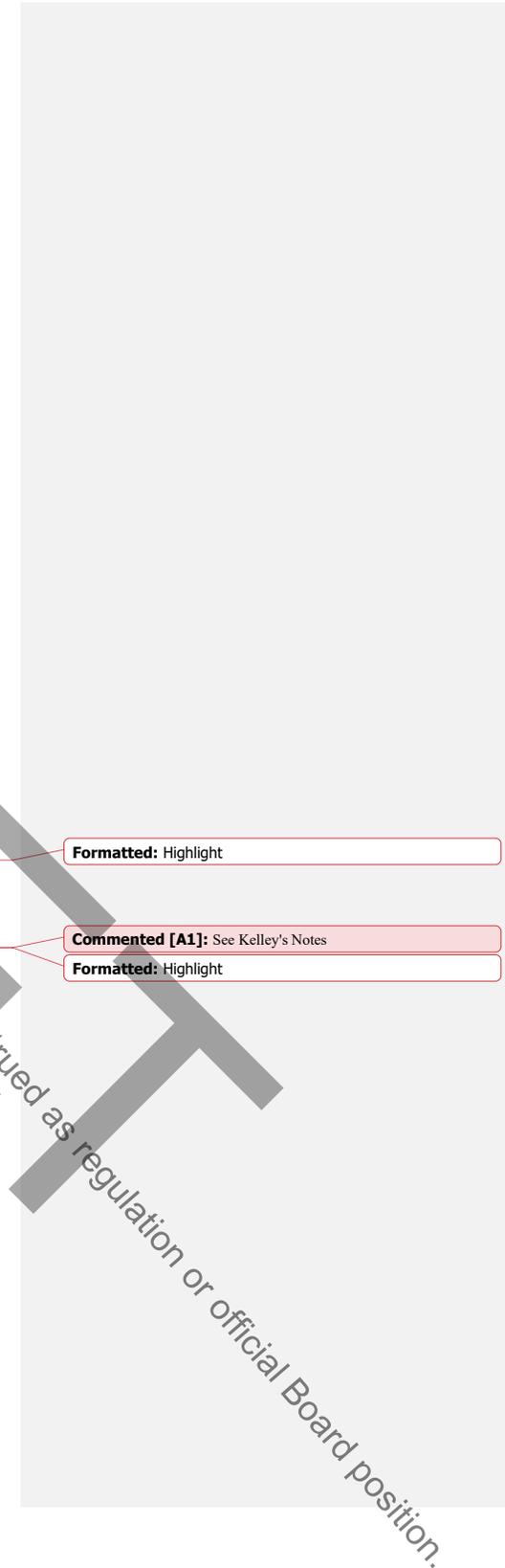
Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017; [Volume 35, Issue 12](#), eff. April 1, 2019. [Volume 38, Issue 11](#), eff. March 7, 2022.

**18 VAC 41-20-220. Hours of Instruction and Performances.**

A. Curriculum and performance requirements shall be offered over a minimum of 1,100 clock hours for barbering, 400 clock hours for master barbering, 1,500 hours for dual barber/master barber program and cosmetology, 150 clock hours for nail care, and 115 clock hours for waxing.

B. The curriculum requirements for barbering must include the following minimum performances:

|                           |    |
|---------------------------|----|
| Hair and scalp treatments | 10 |
|---------------------------|----|



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|   |     |
|---|-----|
| Hair services   | 320 |
| Hair coloring (including tinting, temporary rinses, and semi-permanent color) | 35  |
| Basic facials   | 5   |
| TOTAL   | 370 |

C. The curriculum requirements for master barbering must include the following minimum performances:

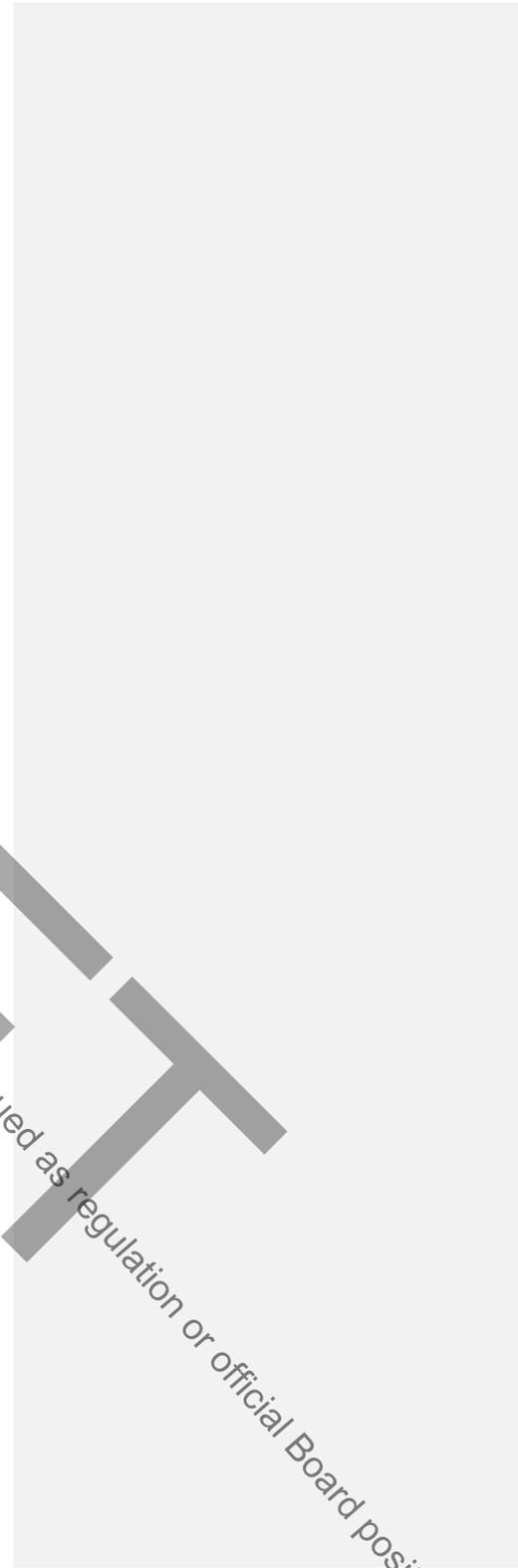
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|--|-----|
| Bleaching and frosting                     | 10  |
| Cold permanent waving or chemical relaxing | 25  |
| Hair shaping                               | 50  |
| Wig care, styling, placing on model        | 5   |
| Finger waving and thermal waving           | 30  |
| TOTAL                                      | 120 |

D. The curriculum requirements for dual barber/master barber program must include the following minimum performances:

|   |     |
|---|-----|
| Hair and scalp treatments   | 10  |
| Hair styling services   | 320 |
| Bleaching and frosting  | 10  |
| Hair coloring (including tinting, temporary rinses, and semi-permanent color) | 35  |
| Cold permanent waving or chemical relaxing                                    | 25  |
| Hair shaping  | 50  |
| Wig care, styling, placing on model   | 5   |
| Finger waving and thermal waving  | 30  |
| Basic facials and waxings   | 5   |
| TOTAL   | 490 |

E. The curriculum requirements for cosmetology must include the following minimum performances:

|  |     |
|--|-----|
| Hair and scalp treatments                  | 10  |
| Hair styling                               | 320 |
| Tinting                                    | 15  |
| Bleaching and frosting                     | 10  |
| Temporary rinses                           | 10  |
| Semi-permanent color                       | 10  |
| Cold permanent waving or chemical relaxing | 25  |
| Hair shaping                               | 50  |



DRAFT AGENDA

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Board for Barbers and Cosmetology Regulations and Statutes

|  |     |
|--|-----|
| Wig care, styling, placing on model    | 5   |
| Finger waving and thermal waving       | 30  |
| Manicures and pedicures                | 15  |
| Basic facials and waxings              | 5   |
| Sculptured nails, nail tips, and wraps | 20  |
| TOTAL                                  | 525 |

F. The curriculum requirements for nail care must include the following minimum performances:

|   |     |
|---|-----|
| Manicures                                 | 30  |
| Pedicures                                 | 15  |
| Individual sculptured nails and nail tips | 200 |
| Individual removals                       | 10  |
| Individual nail wraps                     | 20  |
| TOTAL                                     | 275 |

G. The curriculum requirements for waxing must include the following minimum performances:

|  |    |
|--|----|
| Arms   | 4  |
| Back   | 2  |
| Bikini area                                  | 6  |
| Brows  | 12 |
| Chest  | 1  |
| Facial (i.e., face, chin, and cheek and lip) | 6  |
| Leg  | 3  |
| Underarm                                     | 2  |
| TOTAL  | 36 |

**Statutory Authority**

§ [54.1-201](#) of the Code of Virginia.

**Historical Notes**

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017; [Volume 35, Issue 12](#), eff. April 1, 2019.

**18 VAC 41-20-230. School Identification (Repealed.)**

**Historical Notes**

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; repealed, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017.

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

**18 VAC 41-20-240. Records.**

A. Schools shall maintain on the premises of each school and available for inspection by the board or any of its agents the following records for the period of a student's enrollment through five years after the student's completion of the curriculum, termination, or withdrawal:

1. Enrollment application containing student's signature and a two-inch by two-inch color head and shoulders photograph;
2. Daily record of attendance containing student's signature;
3. Student clock hours containing student's signature and method of calculation;
4. Practical performance completion sheets containing student's signature;
5. Final transcript; and
6. All other relevant documents that account for a student's accrued clock hours and practical applications.

B. Schools shall produce to the board or any of its agents within 10 days of the request any document, book, or record concerning any student, or for which the licensee is required to maintain records, for inspection and copying by the board or its agents. The board may extend such timeframe upon a showing of extenuating circumstances prohibiting delivery within such 10-day period.

C. Schools shall, within 21 days upon receipt of a written request from a student, provide documentation of hours and performances completed by the student as required to be maintained by subsection A of this section.

D. Prior to a school changing ownership or a school closing, the school is required to provide to current students documentation of hours and performances completed.

E. For a period of one year after a school changes ownership, the school shall provide, within 21 days upon receipt of a written request from a student, documentation of hours and performances completed by a current student.

**Statutory Authority**

§ [54.1-201](#) of the Code of Virginia.

**Historical Notes**

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017.

**18 VAC 41-20-250. Reporting.**

A. Schools shall provide, in a manner, format, and frequency prescribed by the board, a roster of all current students and a roster of students who attended in the preceding six months prior to the reporting deadline.

B. Within 30 days of ceasing to operate, whether through dissolution or alteration of the business entity, the school shall provide a written report to the board on performances and hours of each of its students who have not completed the program.

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

**Statutory Authority**

§ [54.1-201](#) of the Code of Virginia.

**Historical Notes**

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017.

**PART VI.**

**STANDARDS OF PRACTICE.**

**18 VAC 41-20-260. Display of License.**

A. Each shop, salon, or school shall ensure that all current licenses, certificates or permits issued by the board shall be displayed in plain view of the public either in the reception area or at individual work stations of the shop, salon, or school. Duplicate licenses, certificates, or permits shall be posted in a like manner in every shop, salon, or school location where the regulant provides services.

B. Each shop, salon, or school shall ensure that no employee, licensee, student, or apprentice performs any service beyond the scope of practice for the applicable license.

C. All licensees, certificate holders, and permit holders shall operate under the name in which the license, certificate, or permit is issued.

D. Unless also licensed as a cosmetologist, a barber or master barber is required to hold a separate nail technician or wax technician license if performing nail care or waxing.

E. Proof of apprenticeship issued by the Department of Labor and Industry shall be displayed in plain view of the public either in the reception area or at individual work stations of the shop or salon.

**Statutory Authority**

§ [54.1-201](#) of the Code of Virginia.

**Historical Notes**

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017; [Volume 35, Issue 12](#), eff. April 1, 2019.

**18 VAC 41-20-270. Sanitation and Safety Standards for Shops, Salons, and Schools.**

A. Sanitation and safety standards. Any shop, salon, school, or facility where barber, master barber, cosmetology, or nail or waxing services are delivered to the public must be clean and sanitary at all times. Compliance with these rules does not confer compliance with other requirements set forth by federal, state, and local laws, codes, ordinances, and regulations as they apply to business operation, physical construction and maintenance, safety, and public health. Licensees shall take sufficient measures to prevent the transmission of communicable and infectious diseases and comply with the sanitation standards identified in this section and shall ensure that all employees likewise comply.

B. Disinfection and storage of implements.

1. A wet disinfection unit is a container large enough to hold a disinfectant solution in which the objects to be disinfected are completely immersed. A wet disinfection unit must have a cover to prevent contamination of the solution. The solution must be an Environmental Protection Agency (EPA)

registered disinfectant that is bactericidal, virucidal, and fungicidal. Disinfectant solutions shall be used according to manufacturer's directions.

2. Disinfection of multiuse items constructed of hard, nonporous materials such as metal, glass, or plastic that the manufacturer designed for use on more than one client, including clippers, scissors, combs, and nippers is to be carried out in the following manner prior to servicing a client:

- a. Remove all foreign matter from the object, utilizing a brush if needed. Drill bits are to be soaked in acetone and scrubbed with a wire brush to remove all foreign matter;
- b. Wash thoroughly with hot water and soap;
- c. Rinse thoroughly with clean water and dry thoroughly with a clean paper towel;
- d. Fully immerse implements into solution for a minimum of 10 minutes; and
- e. After immersion, rinse articles, dry thoroughly with a clean paper towel, and store in a clean, pre-disinfected, and dry cabinet, drawer, or nonairtight covered container, or leave instruments in an EPA-registered disinfection storage solution used according to manufacturer's directions.

3. Single-use items designed by the manufacturer for use on no more than one client should be discarded immediately after use on each individual client, including powder puffs, lip color, cheek color, sponges, styptic pencils, or nail care implements. The disinfection and reuse of these items is not permitted and the use of single-use items on more than one client is prohibited.

4. For the purpose of recharging, rechargeable clippers may be stored in an area other than in a closed cabinet or container. This area shall be clean and the cutting edges of any clippers are to be disinfected.

5. Electrical clipper blades shall be disinfected before and after each use.

If the clipper blade cannot be removed, the use of a spray or foam used according to the manufacturer's instructions will be acceptable provided that the disinfectant is an EPA-registered disinfectant that is bactericidal, virucidal, and fungicidal, and that the entire handle is also disinfected by wiping with the disinfectant solution.

6. All wax pots shall be cleaned and disinfected with an EPA-registered disinfectant that is bactericidal, virucidal, and fungicidal with no sticks left standing in the wax at any time. The area immediately surrounding the wax pot shall be clean and free of clutter, waste materials, spills, and any other items that may pose a hazard.

7. Each barber, master barber, cosmetologist, nail technician, and wax technician must have a wet disinfection unit at his station.

8. Sinks, bowls, tubs, whirlpool units, air-jetted basins, pipe-less units, and non-whirlpool basins used in the performance of nail care shall be maintained in accordance with manufacturer's recommendations. They shall be cleaned and disinfected immediately after each client in the following manner:

- a. Drain all water and remove all debris;
- b. Clean the surfaces and walls with soap or detergent to remove all visible debris, oils, and product residue and then rinse with water;
- c. Disinfect by spraying or wiping the surface with an EPA-registered disinfectant that is bactericidal, virucidal, and fungicidal; and
- d. Wipe dry with a clean towel.

Materials contained in this agenda are proposed for discussion and may be contrived as regulation or official Board position.

C. General sanitation and safety requirements.

1. Service chairs, wash basins, shampoo sinks, workstations and workstands, and back bars shall be clean;
2. The floor surface in all work areas must be of a washable surface other than carpet. The floor must be kept clean and free of hair, nail clippings, dropped articles, spills, clutter, trash, electrical cords, other waste materials, and any other items that may pose a hazard;
3. All furniture, fixtures, walls, floors, windows, and ceilings shall be clean and in good repair and free of water seepage and dirt. Any mats shall be secured or shall lie flat;
4. A fully functional bathroom in the same building with a working toilet and sink must be available for clients. There must be hot and cold running water. Fixtures must be in good condition. The bathroom must be lighted and sufficiently ventilated. If there is a window, it must have a screen. There must be soap and clean single-use towels or hand air-drying device for the client's use. Laundering of towels is allowed, space permitting. The bathroom must not be used as a work area or for the open storage of chemicals. For facilities newly occupied after January 1, 2017, the bathroom shall be maintained exclusively for client use or shared with other businesses in the same building. If the bathroom is shared, the bathroom shall be available for client use and within 200 feet of the entrance and must adhere to all sanitation requirements of this chapter;
5. General areas for client use must be neat and clean with a waste receptacle for common trash;
6. Electrical cords shall be placed to prevent entanglement by the client or licensee, and electrical outlets shall be covered by plates;
7. All sharp tools, implements, and heat-producing appliances shall be in safe working order at all times, safely stored, and placed so as to prevent any accidental injury to the client or licensee;
8. The salon area shall be sufficiently ventilated to exhaust hazardous or objectionable airborne chemicals, and to allow the free flow of air; and
9. Adequate lighting shall be provided.

D. Articles, tools, and products.

1. Clean towels, robes, or other linens shall be used for each patron. Clean towels, robes, or other linens shall be stored in a clean, pre-disinfected, and dry cabinet, drawer, or nonairtight covered container. Soiled towels, robes, or other linens shall be stored in a container enclosed on all sides including the top, except if stored in a separate laundry room;
2. Whenever a haircloth is used, a clean towel or neck strip shall be placed around the neck of the patron to prevent the haircloth from touching the skin;
3. Soiled implements must be removed from the tops of work stations immediately after use;
4. Lotions, ointments, creams, and powders shall be labeled and kept in closed containers. A clean spatula, other clean tools, or clean disposable gloves shall be used to remove bulk substances such as creams or ointments from jars. Sterile cotton or sponges shall be used to apply creams, lotions, and powders. Cosmetic containers shall be covered after each use;
5. For nail care, if a sanitary container is provided for a client, the sanitary container shall be labeled and implements shall be used solely for that specific client. Disinfection shall be carried out in accordance with subdivisions B 1 and B 2 of this section;

Materials contained in this report are for discussion purposes only and are not to be construed as regulation or official Board position.

6. No substance other than a sterile styptic powder or sterile liquid astringent approved for homeostasis and applied with a sterile single-use applicator shall be used to check bleeding; and
7. Any disposable material making contact with blood or other body fluid shall be disposed of in a sealed plastic bag and removed from the shop, salon, school, or facility in accordance with the guidelines of the Virginia Department of Health.

E. Chemical storage and emergency information.

1. Shops, salons, schools, and facilities shall have in the immediate working area a binder with all Safety Data Sheets (SDS) provided by manufacturers for any chemical products used;
2. Shop, salons, schools, and facilities shall have a blood spill clean-up kit in the work area that contains at minimum latex gloves, two 12-inch by 12-inch towels, one disposable trash bag, bleach, one empty spray bottle, and one mask with face shield or any Occupational Safety and Health Administration (OSHA) approved blood spill clean-up kit;
3. Flammable chemicals shall be labeled and stored in a nonflammable storage cabinet or a properly ventilated room; and
4. Chemicals that could interact in a hazardous manner (e.g., oxidizers, catalysts, and solvents) shall be labeled and separated in storage.

F. Client health guidelines.

1. All employees providing client services shall cleanse their hands with a soap product prior to providing services to each client. Licensees shall require that clients for nail care services shall cleanse their hands immediately prior to the requested nail care service;
2. An artificial nail shall only be applied to a healthy natural nail;
3. A nail drill or motorized instrument shall be used only on the free edge of the nail;
4. No shop, salon, school, or facility providing cosmetology or nail care services shall have on the premises cosmetic products containing hazardous substances that have been banned by the U.S. Food and Drug Administration (FDA) for use in cosmetic products;
5. No product shall be used in a manner that is disapproved by the FDA; and
6. All regulated services must be performed in a facility that is in compliance with current local building and zoning codes.

G. In addition to any requirements set forth in this section, all licensees and temporary permit holders shall adhere to regulations and guidelines established by the Virginia Department of Health and the Occupational Safety and Health Compliance Division of the Virginia Department of Labor and Industry.

H. All shops, salons, schools, and facilities shall immediately report the results of any inspection of the shop, salon, or school by the Virginia Department of Health as required by § 54.1-705 of the Code of Virginia.

Materials contained in this agenda are for discussion purposes only and are not to be construed as regulation or official Board position.

I. All shops, salons, schools, and facilities shall maintain a self-inspection form on file to be updated on an annual basis, and kept for five years, so that it may be requested and reviewed by the board at its discretion.

**Statutory Authority**

§ [54.1-201](#) of the Code of Virginia.

**Historical Notes**

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017; [Volume 35, Issue 12](#), eff. April 1, 2019; [Volume 36, Issue 9](#), eff. February 10, 2020; [Volume 39, Issue 4](#), eff. December 1, 2022.

**18 VAC 41-20-280. Grounds for License Revocation or Suspension; Denial of Application, Renewal or Reinstatement; or Imposition of a Monetary Penalty.**

The board may, in considering the totality of the circumstances, fine any licensee, certificate holder, or permit holder; suspend or revoke or refuse to renew or reinstate any license, certificate, or permit; or deny any application issued under the provisions of Chapter 7 (§ [54.1-700](#) et seq.) of Title 54.1 of the Code of Virginia and this chapter if it finds that the licensee, certificate holder, permit holder, or applicant:

1. Is incompetent, or negligent in practice, or incapable mentally or physically, as those terms are generally understood in the profession, to practice as a barber, master barber, cosmetologist, nail technician, or wax technician, or to operate a shop, salon, or school;
2. Is convicted of fraud or deceit in the practice or teaching of barbering, master barbering, cosmetology, nail care, or waxing or fails to teach the curriculum as provided for in this chapter;
3. Attempts to obtain, obtained, renewed or reinstated a license, certificate, or temporary license by false or fraudulent representation;
4. Violates or induces others to violate, or cooperates with others in violating, any of the provisions of this chapter or Chapter 7 (§ [54.1-700](#) et seq.) of Title 54.1 of the Code of Virginia or any local ordinance or regulation governing standards of health and sanitation of the establishment in which any barber, master barber, cosmetologist, nail technician, or wax technician may practice or offer to practice;
5. Offers, gives, or promises anything of value or benefit to any federal, state, or local employee for the purpose of influencing that employee to circumvent, in the performance of his duties, any federal, state, or local law, regulation, or ordinance governing barbering, master barbering, cosmetology, nail care, or waxing as defined in § [54.1-700](#) of the Code of Virginia;
6. Fails to respond to the board or any of its agents or provides false, misleading, or incomplete information to an inquiry by the board or any of its agents;
7. Fails or refuses to allow the board or any of its agents to inspect during reasonable hours any licensed shop, salon, or school for compliance with provisions of Chapter 7 (§ [54.1-700](#) et seq.) or this chapter;
8. Fails to produce, upon request or demand of the board or any of its agents, any document, book, record, or copy thereof in a licensee's or owner's possession or maintained in accordance with these regulations;
9. Fails to notify the board of a change of name or address in writing within 30 days of the change for each and every license, certificate, or permit;

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10. Makes any misrepresentation or publishes or causes to be published any advertisement that is false, deceptive, or misleading;
11. Fails to notify the board in writing within 30 days of the suspension, revocation, or surrender of a license, certificate, or permit in connection with a disciplinary action in any jurisdiction or of any license, certificate, or permit that has been the subject of disciplinary action in any jurisdiction;
12. Has been convicted or found guilty, regardless of the manner of adjudication in Virginia or any other jurisdiction of the United States, of a misdemeanor involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury or any felony, there being no appeal pending therefrom or the time for appeal having elapsed. Review of convictions shall be subject to the requirements of § [54.1-204](#) of the Code of Virginia. Any plea of nolo contendere shall be considered a conviction for purposes of this subdivision. The record of a conviction certified or authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such conviction or guilt.
13. Fails to inform the board in writing within 30 days of pleading guilty or nolo contendere or being convicted or found guilty regardless of adjudication of any convictions as stated in subdivision 12 of this section;
14. Allows, as responsible management of a shop, salon, or school, a person who has not obtained a license or a temporary permit to practice as a barber, master barber, cosmetologist, nail technician, or wax technician unless the person is duly enrolled as a registered apprentice;
15. Allows, as responsible management of a school, a person who has not obtained an instructor certificate or a temporary permit to practice as a barber, master barber, cosmetologist, nail technician, or wax technician instructor;
16. Fails to take sufficient measures to prevent transmission of communicable or infectious diseases or fails to comply with sanitary requirements provided for in this chapter or any local, state, or federal law or regulation governing the standards of health and sanitation for the practices of barbering, master barbering, cosmetology, nail care, or waxing, or the operation of barbershops, cosmetology salons, nail salons, or waxing salons; or
17. Fails to comply with all procedures established by the board and the testing service with regard to conduct at any board examination.

#### Statutory Authority

§ [54.1-201](#) of the Code of Virginia.

#### Historical Notes

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 29, Issue 26](#), eff. November 1, 2013; [Volume 33, Issue 09](#), eff. February 1, 2017; [Volume 35, Issue 12](#), eff. April 1, 2019. [Volume 38, Issue 4](#), eff. December 1, 2021.

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Included in this booklet for your convenience are relevant excerpts from the Code of Virginia. Please note that the Virginia General Assembly, not the Board for Barbers and Cosmetology, is responsible for creating and amending the statutes contained in the Code of Virginia. It is your responsibility to stay informed of revisions to the regulations and the statutes governing your profession or occupation. Please consult the General Assembly or your local library for annual changes.

Code of Virginia

Title 54.1 - PROFESSIONS AND OCCUPATIONS.

Chapter 7 - Barbers and Cosmetologists

§ 54.1-700. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Barber" means any person who shaves, shapes or trims the beard; cuts, singes, or dyes the hair or applies lotions thereto; applies, treats or massages the face, neck or scalp with oils, creams, lotions, cosmetics, antiseptics, powders, clays or other preparations in connection with shaving, cutting or trimming the hair or beard, and practices barbering for compensation and when such services are not performed for the treatment of disease.

"Barbering" means any one or any combination of the following acts, when done on the human body for compensation and not for the treatment of disease, shaving, shaping and trimming the beard; cutting, singeing, or dyeing the hair or applying lotions thereto; applications, treatment or massages of the face, neck or scalp with oils, creams, lotions, cosmetics, antiseptics, powders, clays, or other preparations in connection with shaving, cutting or trimming the hair or a beard. The term "barbering" shall not apply to the acts described hereinabove when performed by any person in his home if such service is not offered to the public.

"Barber instructor" means any person who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of barbering.

"Barbershop" means any establishment or place of business within which the practice of barbering is engaged in or carried on by one or more barbers.

"Board" means the Board for Barbers and Cosmetology.

"Body-piercer" means any person who for remuneration penetrates the skin of a person to make a hole, mark, or scar, generally permanent in nature.

"Body-piercing" means the act of penetrating the skin of a person to make a hole, mark, or scar, generally permanent in nature.

"Body-piercing salon" means any place in which a fee is charged for the act of penetrating the skin of a person to make a hole, mark, or scar, generally permanent in nature.

"Body-piercing school" means a place or establishment licensed by the Board to accept and train students in body-piercing.

"Cosmetologist" means any person who administers cosmetic treatments; manicures or pedicures the nails of any person; arranges, dresses, curls, waves, cuts, shapes, singes, waxes, tweezes, shaves, bleaches, colors, relaxes, straightens, or performs similar work, upon human hair, or a wig or hairpiece, by any means, including hands or mechanical or electrical apparatus or appliances unless such acts as adjusting, combing, or brushing prestyled wigs or hairpieces do not alter the prestyled nature of the wig or hairpiece, and practices cosmetology for compensation. The term "cosmetologist" shall not include hair braiding upon human hair, or a wig or hairpiece.

"Cosmetology" includes, but is not limited to, the following practices: administering cosmetic treatments; manicuring or pedicuring the nails of any person; arranging, dressing, curling, waving, cutting, shaping, singeing, waxing, tweezing, shaving, bleaching, coloring, relaxing, straightening, or similar work, upon human hair, or a wig or hairpiece, by any means, including hands or mechanical or electrical apparatus or

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appliances, but shall not include hair braiding upon human hair, or a wig or hairpiece, or such acts as adjusting, combing, or brushing prestyled wigs or hairpieces when such acts do not alter the prestyled nature of the wig or hairpiece.

"Cosmetology instructor" means a person who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of cosmetology.

"Cosmetology salon" means any commercial establishment, residence, vehicle or other establishment, place or event wherein cosmetology is offered or practiced on a regular basis for compensation and may include the training of apprentices under regulations of the Board.

"Esthetician" means a person who engages in the practice of esthetics for compensation.

"Esthetics" includes, but is not limited to, the following practices of administering cosmetic treatments to enhance or improve the appearance of the skin: cleansing, toning, performing effleurage or other related movements, stimulating, exfoliating, or performing any other similar procedure on the skin of the human body or scalp by means of cosmetic preparations, treatments, or any nonlaser device, whether by electrical, mechanical, or manual means, for care of the skin; applying make-up or eyelashes to any person, tinting or perming eyelashes and eyebrows, and lightening hair on the body except the scalp; and removing unwanted hair from the body of any person by the use of any nonlaser device, by tweezing, or by use of chemical or mechanical means. However, "esthetics" is not a healing art and shall not include any practice, activity, or treatment that constitutes the practice of medicine, osteopathic medicine, or chiropractic. The terms "healing arts," "practice of medicine," "practice of osteopathic medicine," and "practice of chiropractic" shall mean the same as those terms are defined in § [54.1-2900](#).

"Esthetics instructor" means a licensed esthetician who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of esthetics.

"Esthetics spa" means any commercial establishment, residence, vehicle, or other establishment, place, or event wherein esthetics is offered or practiced on a regular basis for compensation under regulations of the Board.

"Master barber" means a licensed barber who, in addition to the practice of barbering, performs waving, shaping, bleaching, relaxing, or straightening upon human hair; performs similar work on a wig or hairpiece; or performs waxing limited to the scalp.

"Master esthetician" means a licensed esthetician who, in addition to the practice of esthetics, offers to the public for compensation, without the use of laser technology, lymphatic drainage, chemical exfoliation, or microdermabrasion, and who has met such additional requirements as determined by the Board to practice lymphatic drainage, chemical exfoliation with products other than Schedules II through VI controlled substances as defined in the Drug Control Act (§ [54.1-3400](#) et seq.), and microdermabrasion of the epidermis.

"Nail care" means manicuring or pedicuring natural nails or performing artificial nail services.

"Nail salon" means any commercial establishment, residence, vehicle or other establishment, place or event wherein nail care is offered or practiced on a regular basis for compensation and may include the training of apprentices under regulations of the Board.

"Nail school" means a place or establishment licensed by the board to accept and train students in nail care.

"Nail technician" means any person who for compensation manicures or pedicures natural nails, or who performs artificial nail services for compensation, or any combination thereof.

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"Nail technician instructor" means a licensed nail technician who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of nail care.

"Physical (wax) depilatory" means the wax depilatory product or substance used to remove superfluous hair.

"School of cosmetology" means a place or establishment licensed by the Board to accept and train students and which offers a cosmetology curriculum approved by the Board.

"School of esthetics" means a place or establishment licensed by the Board to accept and train students and which offers an esthetics curriculum approved by the Board.

"Tattoo parlor" means any place in which tattooing is offered or practiced.

"Tattoo school" means a place or establishment licensed by the Board to accept and train students in tattooing.

"Tattooer" means any person who for remuneration practices tattooing.

"Tattooing" means the placing of designs, letters, scrolls, figures, symbols or any other marks upon or under the skin of any person with ink or any other substance, resulting in the permanent coloration of the skin, including permanent make-up or permanent jewelry, by the aid of needles or any other instrument designed to touch or puncture the skin.

"Wax technician" means any person licensed by the Board who removes hair from the hair follicle using a physical (wax) depilatory or by tweezing.

"Wax technician instructor" means a licensed wax technician who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of waxing.

"Waxing" means the temporary removal of superfluous hair from the hair follicle on any area of the human body through the use of a physical (wax) depilatory or by tweezing.

"Waxing salon" means any commercial establishment, residence, vehicle or other establishment, place or event wherein waxing is offered or practiced on a regular basis for compensation and may include the training of apprentices under regulations of the Board.

"Waxing school" means a place or establishment licensed by the Board to accept and train students in waxing.

1962, c. 639, § 1, § 54-83.2; 1966, c. 610; 1973, c. 86; 1974, c. 534; 1988, c. 765; 2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#); 2017, c. [390](#); 2018, cc. [219](#), [231](#), [237](#), [404](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

**§ 54.1-701. Exemptions.**

The provisions of this chapter shall not apply to:

1. Persons authorized by the laws of the Commonwealth to practice medicine and surgery or osteopathy or chiropractic;
2. Registered nurses licensed to practice in the Commonwealth;

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3. Persons employed in state or local penal or correctional institutions, rehabilitation centers, sanatoria, or institutions for care and treatment of individuals with mental illness or intellectual disability, or for care and treatment of geriatric patients, as barbers, cosmetologists, wax technicians, nail technicians, estheticians, barber instructors, cosmetology instructors, wax technician instructors, nail technician instructors, or esthetics instructors who practice only on inmates of or patients in such sanatoria or institutions;
4. Persons licensed as funeral directors or embalmers in the Commonwealth;
5. Gratuitous services as a barber, nail technician, cosmetologist, wax technician, tattooer, body-piercer, or esthetician;
6. Students enrolled in an approved school taking a course in barbering, nail care, cosmetology, waxing, tattooing, body-piercing, or esthetics;
7. Persons working in a cosmetology salon whose duties are expressly confined to the blow drying, arranging, dressing, curling, or cleansing of human hair;
8. Apprentices serving in a barbershop, nail salon, waxing salon, cosmetology salon, or esthetics spa licensed by the Board in accordance with the Board's regulations;
9. Schools of barbering, nail care, waxing, or cosmetology in public schools; and
10. Persons whose activities are confined solely to applying make-up, including such activities that are ancillary to applying make-up.

1962, c. 639, § 4, § 54-83.5; 1968, c. 622; 1988, c. 765; 2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [476](#), [507](#), [803](#), [835](#); 2018, c. [404](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

**§ 54.1-702. Board for Barbers and Cosmetology; membership; officers; quorum**

The Board for Barbers and Cosmetology shall be composed of 10 members as follows: two members shall be licensed barbers, one of whom may be an owner or operator of a barber school; two members shall be licensed cosmetologists, at least one of whom shall be a salon owner and one of whom may be an owner or operator of a cosmetology school; one member shall be a licensed nail technician or a licensed cosmetologist engaged primarily in the practice of nail care, each of whom shall have been licensed in their respective professions for at least three years immediately prior to appointment; one member shall be either a licensed tattooer or a licensed body-piercer; two members shall be licensed estheticians, at least one of whom shall be an esthetics salon owner and one of whom may be an owner, operator, or designated representative of a licensed esthetics school; and two citizen members. The terms of Board members shall be four years. No member shall serve for more than two full successive terms. The Board shall elect a chairman and a vice-chairman. A majority of the Board shall constitute a quorum.

1962, c. 639, § 21, § 54-83.22; 1974, c. 534; 1979, c. 327; 1981, c. 447; 1988, cc. 42, 765; 2000, c. [726](#); 2002, c. [869](#); 2004, c. [945](#); 2005, c. [829](#); 2010, c. [91](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

**§ 54.1-703. License required.**

No person shall offer to engage in or engage in barbering, cosmetology, nail care, waxing, tattooing, body-piercing, or esthetics without a valid license issued by the Board, except as provided in § [54.1-701](#).

1979, c. 408, § 54-83.22:1; 1988, c. 765; 2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

**§ 54.1-703.1. Waiver of examination; wax technicians.**

The Board shall waive the examination requirements for licensure as a wax technician for any individual who (i) makes application for licensure between July 1, 2002, and July 1, 2003; (ii) otherwise complies with Board regulations relating to moral turpitude; and (iii) meets any of the following conditions:

1. Has at least three years of documented work experience as a wax technician that is deemed satisfactory by the Board;
2. Has completed a training program that is deemed satisfactory by the Board; or
3. Holds an unexpired certificate of registration, certification, or license as a wax technician issued to him on the basis of comparable requirements by a proper authority of a state, territory, or possession of the United States or the District of Columbia. 2002, c. [797](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

**§ 54.1-703.2. Repealed.**

Repealed by Acts 2012, cc. [803](#) and [835](#), cl. 54.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

**§ 54.1-703.3. Waiver of examination; estheticians.**

The Board shall waive the examination requirements for licensure as an esthetician or master esthetician for any individual who (i) makes application for licensure by July 31, 2009; (ii) otherwise complies with Board regulations relating to moral turpitude; and (iii) meets any of the following conditions:

1. Has at least three years of documented work experience as an esthetician or a master esthetician completed prior to July 1, 2008, that is deemed satisfactory by the Board;
2. Has completed a training program prior to July 1, 2008, that is deemed satisfactory by the Board; or
3. Holds an unexpired certificate of registration, certification, or license as an esthetician or a master esthetician issued to him prior to July 1, 2008, on the basis of comparable requirements by a proper authority of a state, territory, or possession of the United States, or the District of Columbia.

2005, c. [829](#); 2009, cc. [166](#), [328](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

**§ 54.1-704. Temporary licenses.**

The Board may issue a temporary license to any person who is eligible for examination. Persons issued a temporary license shall be subject to the regulations of the Board.

The Board shall promulgate regulations consistent with this section to permit individuals to be granted temporary licenses for a specified period of time.

1984, c. 220, § 54-83.22:2; 1988, c. 765; 2000, c. [726](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

**§ 54.1-704.1. License required for barbershop, cosmetology salon, nail care salon, waxing salon, tattoo parlor, body-piercing salon, and esthetics spa.**

No individual or entity shall operate a barbershop, cosmetology salon, nail care salon, waxing salon, tattoo parlor, body-piercing salon, or esthetics spa without a valid license issued by the Board.

The provisions of this section shall not apply to a licensed barber, cosmetologist, nail technician, waxing technician, tattooer, body-piercer, or esthetician who does not have an ownership interest in a licensed barbershop, cosmetology salon, nail care salon, waxing salon, tattoo parlor, body-piercing salon, or esthetics spa in which he is employed.

2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

**§ 54.1-704.2. License required for schools of barbering, cosmetology, nail care, waxing, tattooing, body-piercing, or esthetics.**

Except as provided in § [54.1-701](#), no person, firm or corporation shall operate or attempt to operate a school of barbering, cosmetology, nail care, waxing, tattooing, body-piercing, or esthetics unless licensed by the Board pursuant to its regulations.

2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

**§ 54.1-705. Inspections.**

A. Inspectors and sanitarians of the State Department of Health, or an affiliated local health department, may inspect each barbershop, cosmetology salon, waxing salon, nail care salon, tattoo parlor, body-piercing salon, and esthetics spa in the Commonwealth regularly. Any infractions shall be immediately reported to the Health Department and the Director of the Department of Professional and Occupational Regulation for disciplinary action.

B. The Board may inspect barbershops, barber schools, cosmetology salons and schools, waxing salons and schools, nail care salons and schools, tattoo parlors and schools, body-piercing salons and schools, and esthetics spas and schools for compliance with regulations promulgated by the Board.

C. The Board shall specify procedures for enforcement of compliance with the disease control and disclosure requirements of § [18.2-371.3](#), including unannounced inspections by appropriate personnel.

D. The Board or the Virginia Department of Health, or an affiliated local health department, may regulate the sanitary condition of the personnel, equipment and premises of tattoo parlors and body-piercing salons.

1962, c. 639, § 26, § 54-83.27; 1974, c. 534; 1988, c. 765; 1993, c. 499; 2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

**§ 54.1-706. Different requirements for licensure.**

A. The Board shall have the discretion to impose different requirements for licensure for the practice of barbering, cosmetology, hair care, waxing, tattooing, body-piercing, and esthetics.

B. The Board shall issue a license to practice as a master barber in the Commonwealth to:

1. An individual who holds a valid, unexpired license as a barber issued by the Board prior to December 8, 2017; or
2. An applicant who has successfully (i) completed the educational requirements as required by the Board, (ii) completed the experience requirements as required by the Board, and (iii) passed the examination approved by the Board.

2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#); 2018, cc. [231](#), [237](#).

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Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

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# BOARD FOR BARBERS AND COSMETOLOGY

## REGULATORY REVIEW COMMITTEE

### MINUTES OF MEETING

The Board for Barbers and Cosmetology, Regulatory Review Committee met on Tuesday, June 13, 2023, at the Offices of the Department of Professional and Occupational Regulation, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room 1, Richmond, Virginia.

The following board members were present:

Matthew Roberts  
Gregory Edwards  
Marques Blackmon

The following board members were not present:

Renee Gilanshah  
Margaret LaPierre  
Tina Dang  
Emmanuel Gayot

DPOR staff present for all, or part of the meeting included:

Steve Kirschner, Deputy Director, Licensing & Regulatory Programs  
Kelley Smith, Executive Director  
Tamika Rodriguez, Regulatory Operations Administrator  
Wendy Duncan, Licensing Operations Administrator  
Heather Garnett, Administrative Coordinator

A representative from the Office of the Attorney General was not present for the meeting.

Mr. Roberts Chair, called the Board for Barbers and Cosmetology, Regulatory **Call to Order** Review Committee meeting to order at 9:15 a.m.

Upon a motion by Mr. Blackmon and second by Mr. Edwards, the Board voted **Approval of Agenda** to adopt the agenda.

The members voting “yes” were Mr. Roberts, Mr. Edwards, and Mr. Blackmon. There were no negative votes. The motion passed unanimously.

Laura Todd addressed the Board with concerns about combining the Esthetics **Public Comment** and Master Esthetics Licenses.

Matthew England addressed the Board with concerns about the reduction of online theory instruction in esthetics training.

Mr. Roberts began the Barber and Cosmetology Regulatory review to determine if the regulation is necessary to protect the health, welfare, and safety of the public. The regulation was amended or removed if it does not currently meet those requirements.

**Review of the  
Barbers and  
Cosmetology  
Regulations**

The next scheduled Regulatory Review Committee meetings will be held on June 28 and June 29, 2023.

**Schedule Next  
Regulatory  
Review Committee  
Meeting**

There being no further business, the meeting adjourned at 2:32 p.m.

**Adjourn**

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Matthew Roberts, Board Chair

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Demetrios J. Melis, Board Secretary

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### STATEMENT OF PURPOSE

This booklet contains the information you will need to obtain your license. The law that governs your profession is found in the *Code of Virginia*, 1950, as amended, in Title 54.1, Chapter 7. That law permits the Department of Professional and Occupational Regulation to issue regulations that tell you more about what is expected of you in your profession. This booklet contains a copy of the regulations that you will need to know and obey to get and keep your license.

**BE SURE YOU READ AND UNDERSTAND THE STANDARDS OF PRACTICE AND CONDUCT. YOUR FAILURE TO OBEY THESE STANDARDS COULD RESULT IN A MONETARY PENALTY OR LOSS OF YOUR LICENSE.**

It is the goal of the Department of Professional and Occupational Regulation to provide you with the information you need to comply with the law and regulations. If you have a question and cannot find the answer to it in this booklet, please write to:

Board for Barbers and Cosmetology  
Perimeter Center, Suite 400  
9960 Mayland Drive  
Richmond, VA 23233

Or call the Agency at (804) 367-8509

Or e-mail at [barbercosmo@dpor.virginia.gov](mailto:barbercosmo@dpor.virginia.gov)

Information is also available on the Department of Professional and Occupational Regulation website:

[www.dpor.virginia.gov](http://www.dpor.virginia.gov)

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**CHAPTER 20.**

**REGULATIONS – BARBERING AND COSMETOLOGY**

**PART I.**

**GENERAL.**

**18 VAC 41-20-10. Definitions**

The following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise. All terms defined in Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia are incorporated in this chapter.

"Barber school" means a place or establishment licensed by the board to accept and train students and that offers a barber, master barber, or dual barber/master barber curriculum approved by the board.

"Business entity" means a sole proprietorship, partnership, corporation, limited liability company, limited liability partnership, or any other form of organization permitted by law.

"Direct supervision" means that a Virginia licensed barber, cosmetologist, nail technician, or wax technician shall be present in the barbershop, cosmetology salon, nail salon, or waxing salon at all times when services are being performed by a temporary permit holder or registered apprentice.

"Endorsement" means a method of obtaining a license by a person who is currently licensed in another state.

"Firm" means any business entity recognized under the laws of the Commonwealth of Virginia.

"Licensee" means any person, sole proprietorship, partnership, corporation, limited liability company, limited liability partnership, or any other form of organization permitted by law holding a license issued by the Board for Barbers and Cosmetology, as defined in § 54.1-700 of the Code of Virginia.

"Post-secondary educational level" means an accredited college or university that is approved or accredited by the Southern Association of Colleges and Schools Commission on Colleges or by an accrediting agency that is recognized by the U.S. Secretary of Education.

"Reasonable hours" means the hours between 9 a.m. and 5 p.m.; however, if the licensee generally is not open to the public substantially during the same hours, "reasonable hours" shall mean the business hours when the licensee is open to the public.

"Reciprocity" means a conditional agreement between two or more states that will recognize one another's regulations and laws for equal privileges for mutual benefit.

"Reinstatement" means having a license or certificate restored to effectiveness after the expiration date has passed.

"Renewal" means continuing the effectiveness of a license or certificate for another period of time.

"Responsible management" means the following individuals:

1. The sole proprietor of a sole proprietorship;
2. The partners of a general partnership;
3. The managing partners of a limited partnership;

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4. The officers of a corporation;
5. The managers of a limited liability company;
6. The officers or directors of an association or both; and
7. Individuals in other business entities recognized under the laws of the Commonwealth as having a fiduciary responsibility to the firm.

"Sole proprietor" means any individual, not a corporation, who is trading under his own name, or under an assumed or fictitious name pursuant to the provisions of §§ [59.1-69](#) through [59.1-76](#) of the Code of Virginia.

"Substantially equivalent exam" means an examination administered by the licensing entity which covers Virginia's scope of practice for that profession.

"Substantially equivalent training" means at least 80% of the required hours in Virginia and curriculum content covering Virginia's scope of practice for that profession.

"Virginia state institution" for the purposes of this chapter means any institution approved by the Virginia Department of Education or the Virginia Department of Corrections.

"Wet disinfection unit" is a container large enough to hold a disinfectant solution in which the objects to be disinfected are completely immersed. A wet disinfection unit must have a cover to prevent contamination of the solution. The solution must be an Environmental Protection Agency (EPA) registered disinfectant that is bactericidal, virucidal, and fungicidal. Disinfectant solutions shall be used according to manufacturer's directions

#### Historical Notes

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017; [Volume 35, Issue 12](#), eff. April 1, 2019; [Volume 37, Issue 26](#), eff. October 1, 2021.

## PART II.

### ENTRY.

#### **18 VAC 41-20-20. General requirements for a Barber, Cosmetologist, Nail Technician, or Wax Technician License.**

A. Any individual wishing to engage in barbering, cosmetology, nail care, or waxing shall obtain a license in compliance with § [54.1-703](#) of the Code of Virginia and shall meet the following qualifications:

1. The applicant shall be in good standing as a licensed barber, master barber, cosmetologist, nail technician, or wax technician in Virginia and all other jurisdictions where licensed. The applicant shall disclose to the board at the time of application for licensure, any disciplinary action taken in Virginia and all other jurisdictions in connection with the applicant's practice as a barber, master barber, cosmetologist, nail technician, or wax technician. This includes monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action pertaining to services within the respective scope of practice, or voluntary termination of a license. ~~The applicant shall disclose to the board at the time of application for licensure if he has been previously licensed in Virginia as a barber, master barber, cosmetologist, nail technician, or wax technician.~~

Upon review of the applicant's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein the board deems the applicant is unfit or unsuited to engage in barbering, cosmetology, nail care, or waxing. ~~The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this section.~~ The applicant shall provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such

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order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action.

2. The applicant shall disclose the applicant's physical address. A post office box may be provided as a secondary address ~~is not acceptable~~.

3. The applicant shall sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia barber and cosmetology license laws and this chapter.

4. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose the following information regarding criminal convictions in Virginia and all other jurisdictions:

a. All misdemeanor convictions within two years of the date of application involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury ~~within two years of the date of the application; and~~

b. All felony convictions within ~~10-20~~ years of the date of application.

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

5. The applicant shall provide evidence satisfactory to the board that the applicant has passed the board-approved examination, administered either by the board or by independent examiners.

6. Any changes in the name or address of the licensee shall be reported to the board in writing within 30 days of such changes

B. Eligibility to sit for board-approved examination.

1. Training in the Commonwealth of Virginia: Any person completing one of the following programs can be approved for the examinations.

A. Any person completing an approved barber, master barber, cosmetology, nail technician, or wax technician training program in a Virginia licensed barber, cosmetology, nail technician, or wax technician school, respectively, or a

B. Virginia public school's barber, master barber, cosmetology, nail technician, or wax technician program approved by the Virginia Department of Education shall be eligible for examination.

C. Completing a registered apprenticeship.

D. Any barber, master barber, cosmetologist, nail technician, or wax technician applicant having a minimum of two years experience in barbering, master barbering, cosmetology, nail care, or waxing in the United States armed forces and having provided documentation satisfactory to the board of that experience shall be eligible for the respective examination.

E. Virginia licensed cosmetologists with a minimum of two years of work experience shall be eligible for the master barber examination; likewise, a Virginia licensed master barber with a minimum of two years of work experience shall be eligible for the cosmetology examination.

F. Any barber, master barber, cosmetologist, nail technician, or wax technician applicant having been trained as a barber, master barber, cosmetologist, nail technician, or wax technician in any Virginia state institution shall be eligible for the respective examination.

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2. Training outside of the Commonwealth of Virginia, ~~but within the United States and its territories.~~

~~A. Any person completing a barber, master barber, cosmetology, nail care, or waxing training program that is substantially equivalent to the Virginia program but is outside of the Commonwealth of Virginia must submit to the board documentation of the substantially equivalent training to be eligible for examination.~~

~~B. Applicants who completed a training program that is not substantially equivalent to Virginia's training, including out of country training, may substitute three years of work experience for training. Applicants should provide their work history demonstrating **three five** years of experience as a licensed barber, master barber, cosmetologist, nail technician, or wax technician in any other state or jurisdiction of the United States on a form provided by the board. Applicants who have earned a degree from an institution outside the United States must have their degree translated, authenticated and evaluated by an education evaluation service if credit is sought for the education. The Board reserves the right to reject an evaluation submitted by an applicant.~~

#### Statutory Authority

§ [54.1-201](#) of the Code of Virginia.

#### Historical Notes

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017; [Volume 35, Issue 12](#), eff. April 1, 2019. [Volume 37, Issue 26](#), eff. October 1, 2021; [Volume 38, Issue 4](#), eff. December 1, 2021; Errata, 38:6 VA.R. 752 November 8, 2021.

#### 18 VAC 41-20-30. License by Endorsement.

A. Upon proper application to the board, any person currently licensed to practice as a barber, master barber, cosmetologist, nail technician, or wax technician or who is a licensed instructor in the respective profession in any other state or jurisdiction of the United States and who has completed both a training program and a written and practical examination that is substantially equivalent to that required by this chapter, may be issued a barber, master barber, cosmetologist, nail technician, or wax technician license or the respective instructor certificate without an examination. The applicant must also meet the requirements set forth in [18VAC41-20-20 A](#) and [18VAC41-20-100](#).

B. Applicants for licensure by endorsement who completed a training program that is not substantially equivalent to Virginia's training but otherwise meet all the requirements listed in subsection A of this section, may substitute **three five** years of work experience for training. Applicants should provide their work history demonstrating **three five** years of licensed experience in any other state or jurisdiction of the United States on a form provided by the board.

#### Statutory Authority

§ [54.1-201](#) of the Code of Virginia.

#### Historical Notes

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017; [Volume 35, Issue 12](#), eff. April 1, 2019. [Volume 37, Issue 26](#), eff. October 1, 2021.

#### 18 VAC 41-20-40. Apprenticeship Training.

A. ~~A. Licensed barbers, master barbers, cosmetologists, and nail technicians who train apprentices shall comply with the standards for apprenticeship, **training established by the Division of**~~

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~~Apprenticeship Training of the Virginia Department of Labor and Industry and the Virginia Board for Barbers and Cosmetology.~~

~~B. Responsible management Owners of barbershops, cosmetology salons, and nail salons who train apprentices shall comply with the standards for apprenticeship training established by the Division of Apprenticeship Training of the Virginia Department of Labor and Industry.~~

~~B. Any person completing the Virginia apprenticeship program in barbering, master barbering, cosmetology, or nail care shall be eligible for examination.~~

**Statutory Authority**

§ [54.1-201](#) of the Code of Virginia.

**Historical Notes**

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; [Volume 35, Issue 12](#), eff. April 1, 2019.

**18 VAC 41-20-50. Exceptions to Training Requirements.**

~~A. Virginia-licensed cosmetologists with a minimum of two years of work experience shall be eligible for the master barber examination; likewise, a Virginia-licensed master barber with a minimum of two years of work experience shall be eligible for the cosmetology examination.~~

~~B. Any barber, master barber, cosmetologist, nail technician, or wax technician applicant having been trained as a barber, master barber, cosmetologist, nail technician, or wax technician in any Virginia state institution shall be eligible for the respective examination.~~

~~C. Any barber, master barber, cosmetologist, nail technician, or wax technician applicant having a minimum of two years experience in barbering, master barbering, cosmetology, nail care, or waxing in the United States armed forces and having provided documentation satisfactory to the board of that experience shall be eligible for the respective examination.~~

~~D. Any licensed barber or barber student enrolling in a master barber training program in a licensed barber school shall be given educational credit for the training and performances completed in a barbering program at a licensed barber school.~~

**Statutory Authority**

§ [54.1-201](#) of the Code of Virginia.

**Historical Notes**

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017; [Volume 35, Issue 12](#), eff. April 1, 2019. [Volume 38, Issue 11](#), eff. March 7, 2022.

**18 VAC 41-20-60. Examination Requirements and Fees.**

~~A. Applicants for initial licensure shall pass both a practical examination and a written portion of the examination approved by the board. The examinations may be administered by the board or by a designated testing service.~~

B. Any applicant who passes one part of the examination shall not be required to take that part again provided both parts are passed within one year of the initial examination date.

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~~C. Any candidate failing to appear as scheduled for examination shall forfeit the examination fee.~~

D. The fee for examination or reexamination is subject to contracted charges to the board by an outside vendor. These contracts are competitively negotiated and bargained for in compliance with the Virginia Public Procurement Act (§ [2.2-4300](#) et seq. of the Code of Virginia). Fees may be adjusted and charged to the candidate in accordance with these contracts. The fee shall not exceed \$225 per candidate.

~~E. Any candidate failing to apply for initial licensure within five years of passing both a practical examination and a written portion of an written examination shall be required to retake both portions of examinations. Records of examinations shall be maintained for a maximum of five years.~~

**Statutory Authority**

§ [54.1-201](#) of the Code of Virginia.

**Historical Notes**

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017.

**18 VAC 41-20-70. Reexamination Requirements.**

Any applicant who does not pass a reexamination within one year of the initial examination date shall be required to submit a new application and examination fee.

**Statutory Authority**

§ [54.1-201](#) of the Code of Virginia.

**Historical Notes**

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003.

**18 VAC 41-20-80. Examination Administration.**

A. The examinations shall be administered by the board or the designated testing service. The practical examination shall be supervised by a chief examiner.

B. Every barber, master barber, cosmetology, nail technician, or wax technician examiner shall hold a current Virginia license in his respective profession, have three or more years of active experience as a licensed professional, and be currently practicing in that profession. Examiners shall attend training workshops sponsored by the board or by a testing service acting on behalf of the board.

C. No certified barber, master barber, cosmetology, nail technician, or wax technician instructor who is currently teaching or is a school owner or is an apprentice sponsor shall be an examiner.

D. Each barber, master barber, cosmetology, nail technician, and wax technician chief examiner shall hold a current Virginia license in his respective profession, have five or more years of active experience in that profession, have three years of active experience as an examiner, and be currently practicing in his respective profession. Chief examiners shall attend training workshops sponsored by the board or by a testing service acting on behalf of the board.

E. The applicant shall follow all procedures established by the board with regard to conduct at the examination. Such procedures shall include written instructions communicated prior to the examination date and instructions communicated at the site, ~~either written or oral~~, on the date of the examination.

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

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Board for Barbers and Cosmetology Regulations and Statutes

Failure to comply with all procedures established by the board and the testing service with regard to conduct at the examination may be grounds for denial of application.

**Statutory Authority**

§ [54.1-201](#) of the Code of Virginia.

**Historical Notes**

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017; [Volume 35, Issue 12](#), eff. April 1, 2019.

**18 VAC 41-20-90. Barber, Master Barber, Cosmetology, Nail Technician, and Wax Technician Temporary Permits.**

A. A temporary permit to work under the supervision of a currently licensed barber, master barber, cosmetologist, nail technician, or wax technician may be issued only to applicants for initial licensure who the board finds eligible for examination. There shall be no fee for a temporary permit.

B. The temporary permit shall remain in force for ~~45-90~~ days ~~and no subsequent temporary permit shall be issued following the examination date. The examination date shall be the first test date after the applicant has successfully submitted an application to the board that an examination is offered to the applicant by the board.~~

C. Any person continuing to practice barbering, master barbering, cosmetology, nail care, or waxing services after a temporary permit has expired may be prosecuted and fined by the Commonwealth under §§ [54.1-111](#) A 1 and [54.1-202](#) of the Code of Virginia.

~~D. No applicant for examination shall be issued more than one temporary permit.~~

E. Temporary permits shall not be issued where grounds may exist to deny a license pursuant to § [54.1-204](#) of the Code of Virginia or [18 VAC 41-20-20](#).

**Statutory Authority**

§ [54.1-201](#) of the Code of Virginia.

**Historical Notes**

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017; [Volume 35, Issue 12](#), eff. April 1, 2019.

**18 VAC 41-20-100. General Requirements for a ~~an Barber Instructor Certificate, Cosmetology Instructor Certificate, Nail Technician Instructor Certificate, or Wax Technician Instructor Certificate~~ instructor certificate.**

A. Any individual wishing to engage in ~~barbering instruction, master barbering instruction, cosmetology instruction, nail care instruction, or waxing instruction~~ in barbering, master barbering, cosmetology, nail care, or waxing shall meet the following qualifications:

- 1. The applicant shall be in good standing as a licensed barber, master barber, cosmetologist, nail technician, or wax technician, and instructor, respectively, in Virginia and all other jurisdictions where licensed. The applicant shall disclose to the board at the time of application for licensure any disciplinary action taken in Virginia and all other jurisdictions in connection with the applicant's practice as a barber, master barber, cosmetologist, nail technician, or wax technician, or in the practice of teaching any of those professions. This includes monetary penalties, fines, suspensions, revocations,

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Materials contained in this document are proposed for public discussion and are not to be construed as regulatory or official Board position.

Board for Barbers and Cosmetology Regulations and Statutes

surrender of a license in connection with a disciplinary action, or voluntary termination of a license. The applicant shall disclose to the board at the time of application for licensure if the applicant has been previously licensed in Virginia as a barber instructor, master barber instructor, cosmetology instructor, nail technician instructor, or wax technician instructor. ~~An instructor in barbering, master barbering, cosmetology, nail care, or waxing.~~

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Upon review of the applicant's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein the board deems the applicant is unfit or unsuited to engage in the instruction of barbering, cosmetology, nail care, or waxing. ~~The board will decide each case by taking into account the totality of the circumstances.~~ Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this section. The applicant shall provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action;

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2. The applicant shall hold a current Virginia barber, master barber, cosmetology, nail technician, or wax technician license, respectively;

3. The applicant shall:

a. Pass a course in teaching techniques at the post-secondary educational level; or

~~b. Complete an instructor training course approved by the Virginia Board for Barbers and Cosmetology under the supervision of a certified barber, master barber, cosmetologist, nail technician, or wax technician instructor in a barber, cosmetology, nail technician, or wax technician school, respectively; or~~

c. Pass an instructor examination in barber, master barber, cosmetology, nail technician, or wax technician instruction respectively, administered by the board or by a testing service acting on behalf of the board; and.

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4. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose the following information regarding criminal convictions in Virginia and all other jurisdictions:

a. All misdemeanor convictions within two years of the date of application involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury within two years of the date of the application; and

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b. All felony convictions within 10 years of the date of application.

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Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

5. Any changes in the name or address of the licensee shall be reported to the board in writing within 30 days of such changes

B. ~~Instructors shall be required to maintain a barber, master barber, cosmetology, nail technician, or wax technician license, respectively. Underlying barber, master barber, cosmetology, nail technician, or wax technician license, are not required to be renewed if the respective instructor license is currently active.~~

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Commented [A1]: Not what happens in practice. As long as one has an active instructor license, they don't have to maintain the underlying license and it goes essentially "inactive". If the instructor license becomes inactive, then the expiration date is put on the underlying license.

Commented [AZR1]: Yes

C. Certified instructors may teach in any profession in which they hold the underlying license.

Statutory Authority

Materials contained in this document are proposed for public discussion and are not to be construed as regulatory or official Board position.

Materials contained in this agenda are proposed for discussion and are not to be construed as regulation or official Board position.

Board for Barbers and Cosmetology Regulations and Statutes

§ [54.1-201](#) of the Code of Virginia.

**Historical Notes**

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017; [Volume 35, Issue 12](#), eff. April 1, 2019. [Volume 38, Issue 4](#), eff. December 1, 2021.

**18 VAC 41-20-110. Student Instructor Temporary Permit.**

A. A licensed barber, master barber, cosmetologist, nail technician, or wax technician may be granted a ~~twelve (12) month~~ student instructor temporary permit to function under the direct supervision of a barber instructor, master barber instructor, cosmetology instructor, nail technician instructor, or wax technician instructor respectively, ~~a certified instructor in a licensed school~~. A licensed nail technician or wax technician may also be granted a student instructor permit to function under the direct supervision of a cosmetology instructor. ~~No subsequent student instructor temporary permit shall be issued.~~

**Commented [A3]:** This combines sections B and C.  
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B. The student instructor temporary permit shall remain in force for not more than 12 months after the date of issuance and shall be nontransferable and nonrenewable.

C. No applicant for examination shall be issued more than one student instructor temporary permit.

~~D. B. Student instructors may teach in any profession in which they hold the underlying license.~~ Failure to maintain a barber, master barber, cosmetology, nail technician, or wax technician license shall disqualify an individual from holding a student instructor temporary permit.

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~~E. C.~~ Temporary permits shall not be issued where grounds may exist to deny a license pursuant to § [54.1-204](#) of the Code of Virginia or [18 VAC 41-20-100](#).

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**Statutory Authority**

§ [54.1-201](#) of the Code of Virginia.

**Historical Notes**

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017; [Volume 35, Issue 12](#), eff. April 1, 2019.

**18 VAC 41-20-120. General Requirements for a Shop or Salon License.**

A. Any firm wishing to operate a barbershop, cosmetology salon, nail salon, or waxing salon shall obtain a shop or salon license in compliance with § [54.1-704.1](#) of the Code of Virginia and shall meet the following qualifications in order to receive a license:

1. The applicant and all members of the responsible management shall be in good standing as a licensed shop or salon in Virginia and all other jurisdictions where licensed. The applicant and all members of the responsible management shall disclose to the board at the time of application for licensure any disciplinary action taken in Virginia and all other jurisdictions in connection with the applicant's operation of any barbershop, cosmetology salon, nail salon, or waxing salon or practice of the profession. This includes monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action, ~~pertaining to services within the respective scope of practice~~ or voluntary termination of a license. ~~The applicant shall disclose to the board at the time of application for licensure if the applicant or any member of the responsible management has been previously licensed in Virginia as a barbershop, cosmetology salon, nail salon, or waxing salon.~~

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Materials contained herein are for discussion and agenda purposes only and should not be construed as regulation or official Board position.

Board for Barbers and Cosmetology Regulations and Statutes

Upon review of the applicant's and all members of the responsible management's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein it deems the applicant is unfit or unsuited to engage in the operation of a barbershop, cosmetology salon, nail salon, or waxing salon. ~~The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this section.~~ The applicant shall provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action.

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2. The applicant shall disclose the applicant's physical address. A post office box ~~is not acceptable. may be provided as secondary address.~~

3. The applicant shall sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia barber and cosmetology license laws and this chapter.

4. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose the following information about the firm and all members of the responsible management regarding criminal convictions in Virginia and all other jurisdictions:

a. All misdemeanor convictions ~~within two years of the date of application;~~ involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury ~~within two years of the date of the application;~~ and

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b. All felony convictions within ~~20 10~~ years of the date of application

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Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

5. The applicant shall disclose the firm's responsible management.

B. Shop or salon licenses are issued to firms as defined in this chapter and shall not be transferable and shall bear the same name and address of the business. Any changes in the name or address of the shop or salon shall be reported to the board in writing within 30 days of such changes. The board shall not be responsible for the licensee's, certificate holder's, or permit holder's failure to receive notices, communications, and correspondence caused by the licensee's, certificate holder's, or permit holder's failure to promptly notify the board in writing of any change of name or address or for any other reason beyond the control of the board.

C. Whenever the legal business entity holding the license is dissolved or altered to form a new business entity, the original license becomes void and shall be returned to the board within 30 days of the change. Additionally, the firm shall apply for a new license, within 30 days of the change in the business entity. Such changes include:

- 1. Death of a sole proprietor;
- 2. Death or withdrawal of a general partner in a general partnership or the managing partner in a limited partnership; and
- 3. Conversion, formation, or dissolution of a corporation, a limited liability company, an association, or any other business entity recognized under the laws of the Commonwealth of Virginia.

D. Any change in the officers of a corporation, managers of a limited liability company, or officers or directors of an association shall be reported to the board in writing within 30 days of the change.

Materials contained herein are for discussion and agenda purposes only and should not be construed as regulation or official Board position.

E. Mobile salons must have a shop or salon license and provide a physical address.

~~EF.~~ The board or any of its agents shall be allowed to inspect during reasonable hours any licensed shop or salon for compliance with provisions of Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia or this chapter. For purposes of a board inspection, "reasonable hours" means the hours between 9 a.m. and 5 p.m.; however, if the licensee generally is not open to the public substantially during the same hours, "reasonable hours" shall mean the business hours when the licensee is open to the public.

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**Statutory Authority**

§ 54.1-201 of the Code of Virginia.

**Historical Notes**

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017. [Volume 38, Issue 4](#), eff. December 1, 2021.

**18 VAC 41-20-130. General Requirements for a School License.**

A. Any firm wishing to operate a barber, cosmetology, nail technician, or wax technician school shall submit an application to the board at least 60 days prior to the date for which approval is sought, obtain a school license in compliance with § 54.1-704.2 of the Code of Virginia, and meet the following qualifications in order to receive a license:

1. The applicant and all members of the responsible management shall be in good standing as a licensed school in Virginia and all other jurisdiction where licensed. The applicant and all members of the responsible management shall disclose to the board at the time of application for licensure any disciplinary action taken in Virginia and all other jurisdictions in connection with the applicant's operation of any barbering, cosmetology, nail, or waxing school or practice of the profession. This includes to monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action pertaining to services in the respective scope of practice, or voluntary termination of a license. The applicant shall disclose to the board at the time of application for licensure if the applicant or any member of the responsible management has been previously licensed in Virginia as a barbering, cosmetology, nail, or waxing school.

Upon review of the applicant's and all members of the responsible management's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein the board deems the applicant is unfit or unsuited to engage in the operation of a barbering, cosmetology, nail, or waxing school. ~~The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this section.~~ The applicant shall provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action.

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2. The applicant shall disclose the applicant's physical address. A post office box ~~is not acceptable.~~ may be provided as secondary address.

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3. The applicant shall sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia barber and cosmetology license laws and this chapter.

4. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose the following information about the firm and all members of the responsible management regarding criminal convictions in Virginia and all other jurisdictions:

Materials contained in this agenda are proposed topics for discussion. DRAFT. This is not to be construed as regulation or official Board position.

Board for Barbers and Cosmetology Regulations and Statutes

- a. All misdemeanor convictions ~~within two years of the date of application~~ involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury ~~within two years of the date of the application~~; and
- b. All felony convictions within ~~20~~ 10 years of the date of application.

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Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

5. The applicant shall disclose the firm's responsible management.

B. Barber, cosmetology, nail technician, and wax technician school licenses are issued to firms as defined in this chapter, shall not be transferable, and shall bear the same name and address as the school. Any changes in the name or the address of record or principal place of business of the school shall be reported to the board in writing within 30 days of such change. The board shall not be responsible for the licensee's, certificate holder's, or permit holder's failure to receive notices, communications, and correspondence caused by the licensee's, certificate holder's, or permit holder's failure to promptly notify the board in writing of any change of name or address or for any other reason beyond the control of the board. The name of the school must indicate that it is an educational institution. All signs, or other advertisements, must reflect the name as indicated on the license issued by the board and contain language indicating it is an educational institution.

C. Whenever the legal business entity holding the license is dissolved or altered to form a new business entity, the original license becomes void and shall be returned to the board within 30 days of the change. Additionally, the firm shall apply for a new license within 30 days of the change in business entity. Such changes include:

1. Death of a sole proprietor;
2. Death or withdrawal of a general partner in a general partnership or the managing partner in a limited partnership; and
3. Conversion, formation, or dissolution of a corporation, a limited liability company, an association, or any other business entity recognized under the laws of the Commonwealth of Virginia.

D. Any change in the officers of a corporation, managers of a limited liability company, or officers or directors of an association shall be reported to the board in writing within 30 days of the change.

E. Barber schools, cosmetology schools, nail schools, or waxing schools under the Virginia Department of Education shall be exempted from licensure requirements.

F. The board or any of its agents shall be allowed to inspect during reasonable hours any licensed school for compliance with provisions of Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia or this chapter. ~~For purposes of a board inspection, "reasonable hours" means the hours between 9 a.m. and 5 p.m.; however, if the licensee generally is not open to the public substantially during the same hours, "reasonable hours" shall mean the business hours when the licensee is open to the public.~~

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#### Statutory Authority

§ 54.1-201 of the Code of Virginia.

#### Historical Notes

Materials contained in this agenda are proposed topics for discussion and shall not be entered as regulation or official Board position.

Board for Barbers and Cosmetology Regulations and Statutes

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017; [Volume 38, Issue 4](#), eff. December 1, 2021.

Part III  
Fees

**18VAC41-20-140. Fees.**

The following fees ~~are non-refundable and shall not be prorated apply:~~

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| FEE TYPE                  | AMOUNT DUE<br>September 1, 2022,<br>through August 31,<br>2024        | AMOUNT DUE<br>September 1, 2024, and<br>after                           | WHEN DUE   |
|---------------------------|---|---|--|
| <b>Individuals:</b>       |   |   |  |
| Application               | \$90  | \$105   | With application                                 |
| License by<br>Endorsement | \$90  | \$105   | With application                                 |
| <b>Renewal:</b>           |   |   |  |
| Barber                    | \$90  | \$105   | With renewal card<br>prior to expiration<br>date |
| Master Barber             | \$90  | \$105   | With renewal card<br>prior to expiration<br>date |
| Cosmetologist             | \$90  | \$105   | With renewal card<br>prior to expiration<br>date |
| Nail Technician           | \$90  | \$105   | With renewal card<br>prior to expiration<br>date |
| Wax Technician            | \$90  | \$105   | With renewal card<br>prior to expiration<br>date |
| Reinstatement             | \$180*<br>*includes \$90 renewal<br>fee and \$90<br>reinstatement fee | \$210*<br>*includes \$105 renewal<br>fee and \$105<br>reinstatement fee | With reinstatement<br>application                |
| <b>Instructors:</b>       |   |   |  |
| Application               | \$110   | \$125   | With application                                 |
| License by<br>Endorsement | \$110   | \$125   | With application                                 |
| Renewal                   | \$110   | \$150   | With renewal card<br>prior to expiration<br>date |
| Reinstatement             | \$220*<br>*includes \$110 renewal                                     | \$300*<br>*includes \$150 renewal                                       | With reinstatement<br>application                |

|                    | fee and \$110<br>reinstatement fee                                      | fee and \$150<br>reinstatement fee                                      |  |
|--------------------|---|---|--|
| <b>Facilities:</b> |   |   |  |
| Application        | \$165   | \$190   | With application                                 |
| Renewal            | \$165   | \$190   | With renewal card<br>prior to expiration<br>date |
| Reinstatement      | \$330*<br>*includes \$165 renewal<br>fee and \$165<br>reinstatement fee | \$380*<br>*includes \$190 renewal<br>fee and \$190<br>reinstatement fee | With reinstatement<br>application                |
| <b>Schools:</b>    |   |   |  |
| Application        | \$185   | \$220   | With application                                 |
| Add Program        | \$100   | \$100   | With application                                 |
| Renewal            | \$185   | \$220   | With renewal card<br>prior to expiration<br>date |
| Reinstatement      | \$370*<br>*includes \$185 renewal<br>fee and \$185<br>reinstatement fee | \$440*<br>*includes \$220 renewal<br>fee and \$220<br>reinstatement fee | With reinstatement<br>application                |

**Statutory Authority**

§ [54.1-201](#) of the Code of Virginia.

**Historical Notes**

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 27, Issue 23](#), eff. September 1, 2011; [Volume 30, Issue 10](#), eff. March 1, 2014; [Volume 32, Issue 24](#), eff. September 1, 2016; [Volume 33, Issue 09](#), eff. February 1, 2017; [Volume 34, Issue 22](#), eff. August 1, 2018; [Volume 35, Issue 12](#), eff. April 1, 2019; [Volume 36, Issue 21](#), eff. September 1, 2020. [Volume 38, Issue 25](#), eff. September 1, 2022.

~~18 VAC 41-20-150. Refunds.~~

~~All fees are nonrefundable and shall not be prorated.~~

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**Statutory Authority**

§ [54.1-201](#) of the Code of Virginia.

**Historical Notes**

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003.

**PART IV.**

**RENEWAL/REINSTATEMENT.**

**18 VAC 41-20-160. License Renewal Required.**

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

Materials contained in this agenda are proposed topics for discussion and argument to be continued as regulation or official Board position.

Board for Barbers and Cosmetology Regulations and Statutes

A license or certificate issued under this chapter shall expire two years from the last day of the month in which it was issued.

**Statutory Authority**

§ [54.1-201](#) of the Code of Virginia.

**Historical Notes**

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017.

**18 VAC 41-20-170. Notice of Renewal.**

The Department of Professional and Occupational Regulation will mail a renewal notice to the licensee or certificate holder outlining the procedures for renewal. Failure to receive this notice, however, shall not relieve the licensee or certificate holder of the obligation to renew. If the licensee or certificate holder fails to receive the renewal notice, a copy of the old license or certificate may be submitted as evidence of intent to renew, along with the required fee.

**Statutory Authority**

§ [54.1-201](#) of the Code of Virginia.

**Historical Notes**

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003.

**18 VAC 41-20-180. Failure to Renew.**

A. When a licensed or certified individual or business entity fails to renew its license or certificate within 30 days following its expiration date, the licensee or certificate holder shall apply for reinstatement of the license or certificate by submitting to the Department of Professional and Occupational Regulation a reinstatement application and renewal fee and reinstatement fee.

B. When a licensed or certified individual or business entity fails to renew its license within two years following the expiration date, reinstatement is no longer possible. To resume practice, ~~the former licensee or certificate holder shall apply for licensure or certification as a new applicant and shall meet all current entry requirements for each respective license or certificate.~~

~~1. The former licensee or certificate holder shall apply for licensure or certification as a new applicant and shall meet all current entry requirements for each respective license or certificate.~~

~~2. An individual previously licensed in Virginia for a minimum of three years initially granted licensure under or any of the following examination or training waiver provisions, known as grandfathering, shall submit a new application showing the individual met the requirements of the applicable examination or training waiver provision, demonstrate five years of licensed experience, and pass the required examination;~~

~~a. Any person who was exempted from examination for licensure as a barber, as such person was engaged in the practice of barbering on or before July 1, 1966, in any establishment or place of business within which the practice of barbering was carried on by only one barber, and such person filed an application with the board on or before January 1, 1967.~~

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~~b. Any person exempted from examination as a registered professional hair dresser, as such person was substantially engaged as a hairdresser in Virginia for at least nine months prior to June 29, 1962, and such person filed an application satisfactory to the board on or before July 1, 1963.~~

~~c. Any person exempted from training requirements for licensure as a nail technician, as such person had experience or training as a nail technician, and such person applied to the board for examination by October 1, 1991.~~

~~d. Any person exempted from examination as a wax technician pursuant to § 54.1-703.1 of the Code of Virginia~~

C. The application for reinstatement for a school shall provide (i) the reasons for failing to renew prior to the expiration date and (ii) a notarized statement that all students currently enrolled or seeking to enroll at the school have been notified in writing that the school's license has expired. All of these materials shall be called the application package. Reinstatement will be considered by the board if the school consents to and satisfactorily passes an inspection of the school and if the school's records are maintained in accordance with [18 VAC 41-20-240](#) and [18 VAC 41-20-280](#) by the Department of Professional and Occupational Regulation. Pursuant to [18 VAC 41-20-130](#), upon receipt of the reinstatement fee, application package, and inspection results, the board may reinstate the school's license or require requalification or both. If the reinstatement application package and reinstatement fee are not received by the board within six months following the expiration date of the school's license, the board will notify the testing service that prospective graduates of the unlicensed school are not acceptable candidates for the examination. Such notification will be sent to the school and must be displayed in a conspicuous manner by the school in an area that is accessible to the public. No student shall be disqualified from taking the examination because the school was not licensed for a portion of the time the student attended if the school license is reinstated by the board.

D. The date a renewal fee is received by the Department of Professional and Occupational Regulation, or its agent, will be used to determine whether the requirement for reinstatement of a license or certificate is applicable.

E. When a license or certificate is reinstated, the licensee or certificate holder shall be assigned an expiration date two years from the date of the last day of the month of reinstatement.

F. A licensee or certificate holder that reinstates its license or certificate shall be regarded as having been continuously licensed or certified without interruption. Therefore, a licensee or certificate holder shall be subject to the authority of the board for activities performed prior to reinstatement.

G. A licensee or certificate holder that fails to reinstate its license or certificate shall be regarded as unlicensed or uncertified from the expiration date of the license or certificate forward. Nothing in this chapter shall divest the board of its authority to discipline a licensee or certificate holder for a violation of the law or regulations during the period of time for which the individual was licensed or certified.

**Statutory Authority**

§ [54.1-201](#) of the Code of Virginia.

Materials contained in this agenda are proposed topics for public comment. This document is not to be construed as regulation or official Board position.

**Historical Notes**

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017.

**PART V.**

**BARBER AND COSMETOLOGY SCHOOLS.**

**18 VAC 41-20-190. Applicants for State Approval (Repealed.)**

**Historical Notes**

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; repealed, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017.

**18 VAC 41-20-200. General Requirements.**

A barber, cosmetology, nail, or waxing school shall:

1. Hold a school license for each and every location.
2. Hold a salon license if the school receives compensation for services provided in its clinic.
3. Employ a staff of and ensure all training is conducted by licensed and certified barber, master barber, cosmetology, nail technician, or wax technician instructors, respectively:
  - a. Licensed and certified cosmetology instructors may also instruct in nail and waxing programs.
  - b. Licensed and certified esthetics instructors and master esthetics instructors may also instruct in waxing programs.
  - c. Instructor programs must be taught by a certified instructor.
4. Develop individuals for entry level competency in barbering, master barbering, cosmetology, nail care, or waxing.
5. Submit its curricula for board approval. All changes to curricula must be resubmitted and approved by the board.
  - a. Barber curricula shall be based on a minimum of 1,100 clock hours and shall include performances in accordance with [18 VAC 41-20-220](#).
  - b. Master barber curricula shall be based on a minimum of 400 clock hours and shall include performances in accordance with [18 VAC 41-20-220](#).
  - c. Dual barber/master barber program curricula shall be based on a minimum of 1,500 clock hours and shall include performances in accordance with [18 VAC 41-20-220](#).
  - d. Cosmetology curricula shall be based on a minimum of ~~1,500~~ 1,000 clock hours and shall include performances in accordance with [18 VAC 41-20-220](#).
  - e. Nail technician curricula shall be based on a minimum of 150 clock hours and shall include performances in accordance with [18 VAC 41-20-220](#).
  - f. Wax technician curricula shall be based on a minimum of 115 clock hours and shall include performances in accordance with [18 VAC 41-20-220](#).

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6. Inform the public that all services are performed by students if the school receives compensation for services provided in its clinic by posting a notice in the reception area of the shop or salon in plain view of the public.
7. Conduct classroom instruction in an area separate from the clinic area where practical instruction is conducted and services are provided.
8. Possess the necessary equipment and implements to teach the respective curriculum. If any such equipment or implement is not owned by the school, then a copy of all agreements associated with the use of such property by the school shall be provided to the board.

**Statutory Authority**

§ [54.1-201](#) of the Code of Virginia.

**Historical Notes**

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017; [Volume 34, Issue 06](#), eff. January 1, 2018; [Volume 35, Issue 12](#), eff. April 1, 2019.

**18 VAC 41-20-210. Curriculum Requirements.**

A. Each barber school shall submit with its application a curriculum including a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for barbering shall include the following:

1. School policies;
2. State law, regulations, and professional ethics;
3. Business and shop management;
4. Client consultation;
5. Personal hygiene;
6. Cutting the hair with a razor, clippers, and shears;
7. Tapering the hair;
8. Thinning the hair;
9. Shampooing the hair;
10. Shaving;
11. Trimming a moustache or beard;
12. Applying hair color;
13. Analyzing skin or scalp conditions;
14. Giving scalp treatments;
15. Giving basic facial massage or treatment;
16. Sanitizing and maintaining implements and equipment; and
17. Honing and stropping a razor.

B. Each barber school seeking to add a master barber program shall submit with its application a curriculum including a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for master barbering shall include the following:

1. Styling the hair with a hand hair dryer;
2. Thermal waving;
3. Permanent waving with chemicals;
4. Relaxing the hair;
5. Lightening or toning the hair;
6. Hairpieces and wigs; and

7. Waxing limited to the scalp.

C. Each school seeking to add a dual barber/master barber program shall submit with its application a curriculum including a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for dual barber/master barber program shall include the following:

1. School policies;
2. State law, regulations, and professional ethics;
3. Business and shop management;
4. Client consultation;
5. Personal hygiene;
6. Cutting the hair with a razor, clippers, and shears;
7. Tapering the hair;
8. Thinning the hair;
9. Shampooing the hair;
10. Styling the hair with a hand hair dryer;
11. Thermal waving;
12. Permanent waving with chemicals;
13. Relaxing the hair;
14. Shaving;
15. Trimming a moustache or beard;
16. Applying hair color;
17. Lightening or toning the hair;
18. Analyzing skin or scalp conditions;
19. Giving scalp treatments;
20. Waxing limited to the scalp;
21. Giving basic facial massage or treatment;
22. Hair pieces;
23. Sanitizing and maintaining implements and equipment; and
24. Honing and stropping a razor.

D. Each cosmetology school shall submit with its application a curriculum including a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for cosmetology shall include the following:

1. Orientation:
  - a. School policies;
  - b. State law, regulations, and professional ethics;
  - c. Personal hygiene; and
  - d. Bacteriology, sterilization, and sanitation.
2. Manicuring and pedicuring:
  - a. Anatomy and physiology;
  - b. Diseases and disorders;
  - c. Procedures to include both natural and artificial application; and
  - d. Sterilization.
3. Shampooing and rinsing:
  - a. Fundamentals;
  - b. Safety rules;
  - c. Procedures; and
  - d. Chemistry, anatomy, and physiology.

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4. Scalp treatments:
- a. Analysis;
  - b. Disorders and diseases;
  - c. Manipulations; and
  - d. Treatments.
5. Hair styling:
- a. Anatomy and facial shapes;
  - b. Finger waving, molding, and pin curling;
  - c. Roller curling, combing, and brushing; and
  - d. Heat curling, waving, and pressing.
6. Hair cutting:
- a. Anatomy and physiology;
  - b. Fundamentals, materials, and equipment;
  - c. Procedures; and
  - d. Safety practices.
7. Permanent waving-chemical relaxing:
- a. Analysis;
  - b. Supplies and equipment;
  - c. Procedures and practical application;
  - d. Chemistry;
  - e. Recordkeeping; and
  - f. Safety.
8. Hair coloring and bleaching:
- a. Analysis and basic color theory;
  - b. Supplies and equipment;
  - c. Procedures and practical application;
  - d. Chemistry and classifications;
  - e. Recordkeeping; and
  - f. Safety.
9. Skin care and make-up:
- a. Analysis;
  - b. Anatomy;
  - c. Health, safety, and sanitary rules;
  - d. Procedures;
  - e. Chemistry and light therapy;
  - f. Temporary removal of hair; and
  - g. Lash and brow tinting.
10. Wigs, hair pieces, and related theory:
- a. Sanitation and sterilization;
  - b. Types; and
  - c. Procedures.
11. Salon management:
- a. Business ethics; and
  - b. Care of equipment.

E. Each nail school shall submit with its application a curriculum including a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, and a

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breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for nail care shall include the following:

1. Orientation:
  - a. School policies; and
  - b. State law, regulations, and professional ethics;
2. Sterilization, sanitation, bacteriology, and safety;
3. Anatomy and physiology;
4. Diseases and disorders of the nail;
5. Nail procedures (i.e., manicuring, pedicuring, and nail extensions); and
6. Nail theory and nail structure and composition.

F. Each waxing school shall submit with its application a curriculum including a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for waxing shall include the following:

1. Orientation:
  - a. School policies;
  - b. State law, regulations, and professional ethics; and
  - c. Personal hygiene.
2. Skin care and treatment:
  - a. Analysis;
  - b. Anatomy and physiology;
  - c. Diseases and disorders of the skin;
  - d. Health sterilization, sanitation, bacteriology, and safety including infectious disease control measures; and
  - e. Temporary removal of hair.
3. Skin theory, skin structure, and composition.
4. Client consultation:
  - a. Health conditions;
  - b. Skin analysis;
  - c. Treatments;
  - d. Client expectations; and
  - e. Health forms and questionnaires.
5. Waxing procedures for brow, lip, facial, legs, arms, underarm, chest, back, and bikini areas:
  - a. Fundamentals;
  - b. Safety rules; and
  - c. Procedures.
6. Wax treatments:
  - a. Analysis;
  - b. Disorders and diseases;
  - c. Manipulations; and
  - d. Treatments.
7. Salon management:
  - a. Business ethics; and

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b. Care of equipment.

G. The instructor curriculum and hours of instruction shall consist of 400 hours or equivalent credit hours and shall include, but not be limited to, the following:

1. Orientation, introduction to teaching, and professional ethics;
2. Curriculum;
3. Course outline and development;
4. Lesson planning;
5. Classroom management;
6. Teaching techniques;
7. Methods of instruction (including theory and practical instruction\*);
8. Learning styles;
9. Learning disabilities;
10. Teaching aids;
11. Developing, administering and grading examinations;
12. School administration;
13. Recordkeeping;
14. Laws and regulations;
15. Supervision of clinic floor; and
16. Practicum teaching.

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H. A licensed school with an approved barber, master barber, dual barber/master barber, cosmetology, nail technician, or wax technician program may conduct an assessment of a student's competence in the respective profession and, based on the assessment, give credit toward the hours requirements specified in the respective subsection of this section and 18VAC41-20-220.

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The school shall make the assessment based on a review of the student's transcript and the successful completion of a board-approved competency examination administered by the school. The school may also request a copy of a catalog or bulletin giving the full course description when making the evaluation. The number of credit hours awarded shall not exceed the actual hours of instruction verified on the transcript or the number of hours specified in the board-approved curriculum for a specific topic.

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Statutory Authority

§ 54.1-201 of the Code of Virginia.

Historical Notes

Derived from Volume 19, Issue 18, eff. July 1, 2003; amended, Virginia Register Volume 33, Issue 09, eff. February 1, 2017; Volume 35, Issue 12, eff. April 1, 2019. Volume 38, Issue 11, eff. March 7, 2022.

18 VAC 41-20-220. ~~Hours of Instruction and Performances~~ Practical Performance Requirements.

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~~A. Curriculum and performance requirements shall be offered over a minimum of 1,100 clock hours for barbering, 400 clock hours for master barbering, 1,500 hours for dual barber/master barber program and cosmetology, 150 clock hours for nail care, and 115 clock hours for waxing.~~

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B. A. The curriculum requirements for barbering must include the following minimum performances:

|                           |     |
|---------------------------|-----|
| Hair and scalp treatments | 10  |
| Hair services             | 320 |

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Board for Barbers and Cosmetology Regulations and Statutes

|   |     |
|---|-----|
| Hair coloring (including tinting, temporary rinses, and semi-permanent color) | 35  |
| Basic facials   | 5   |
| TOTAL   | 370 |

~~C.B.~~ The curriculum requirements for master barbering must include the following minimum performances:

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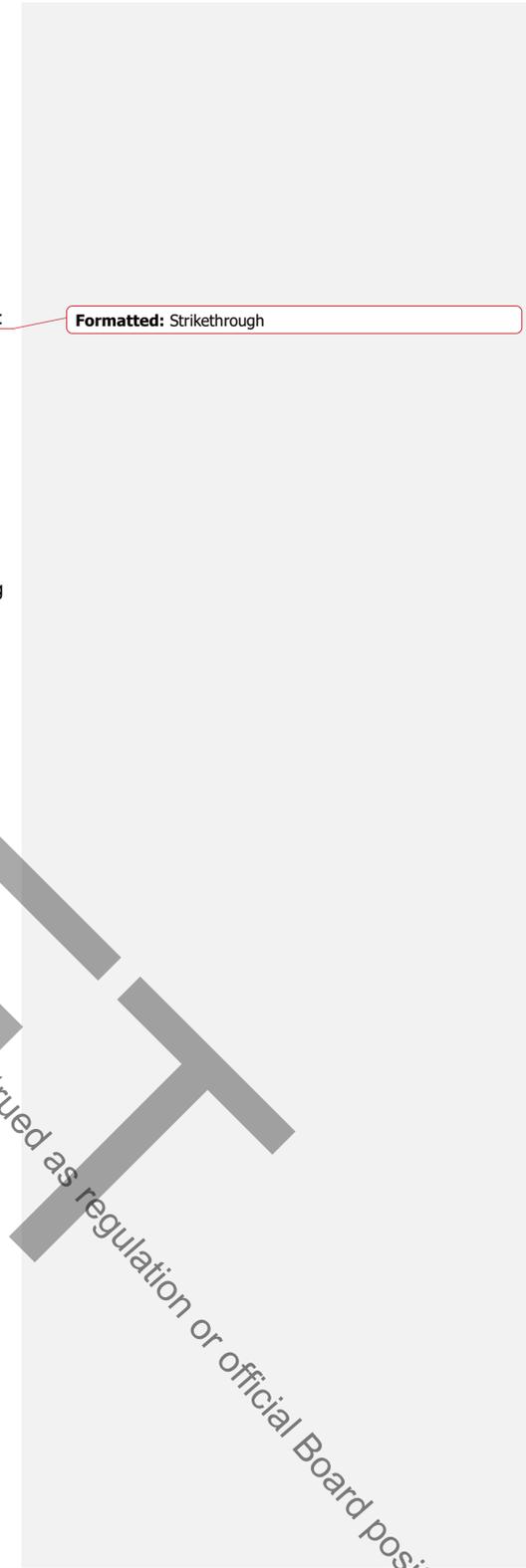
|  |     |
|--|-----|
| Bleaching and frosting                     | 10  |
| Cold permanent waving or chemical relaxing | 25  |
| Hair shaping                               | 50  |
| Wig care, styling, placing on model        | 5   |
| Finger waving and thermal waving           | 30  |
| TOTAL                                      | 120 |

~~D.C.~~ The curriculum requirements for dual barber/master barber program must include the following minimum performances:

|   |     |
|---|-----|
| Hair and scalp treatments   | 10  |
| Hair styling services   | 320 |
| Bleaching and frosting  | 10  |
| Hair coloring (including tinting, temporary rinses, and semi-permanent color) | 35  |
| Cold permanent waving or chemical relaxing                                    | 25  |
| Hair shaping  | 50  |
| Wig care, styling, placing on model   | 5   |
| Finger waving and thermal waving  | 30  |
| Basic facials and waxings   | 5   |
| TOTAL   | 490 |

~~E-D.~~ The curriculum requirements for cosmetology must include the following minimum performances:

|  |     |
|--|-----|
| Hair and scalp treatments                  | 10  |
| Hair styling                               | 320 |
| Tinting                                    | 15  |
| Bleaching and frosting                     | 10  |
| Temporary rinses                           | 10  |
| Semi-permanent color                       | 10  |
| Cold permanent waving or chemical relaxing | 25  |
| Hair shaping                               | 50  |
| Wig care, styling, placing on model        | 5   |



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Board for Barbers and Cosmetology Regulations and Statutes

|  |     |
|--|-----|
| Finger waving and thermal waving       | 30  |
| Manicures and pedicures                | 15  |
| Basic facials and waxings              | 5   |
| Sculptured nails, nail tips, and wraps | 20  |
| TOTAL                                  | 525 |

~~F. E.~~ The curriculum requirements for nail care must include the following minimum performances:

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|   |     |
|---|-----|
| Manicures                                 | 30  |
| Pedicures                                 | 15  |
| Individual sculptured nails and nail tips | 200 |
| Individual removals                       | 10  |
| Individual nail wraps                     | 20  |
| TOTAL                                     | 275 |

~~G. F.~~ The curriculum requirements for waxing must include the following minimum performances:

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|  |    |
|--|----|
| Arms   | 4  |
| Back   | 2  |
| Bikini area                                  | 6  |
| Brows  | 2  |
| Chest  | 1  |
| Facial (i.e., face, chin, and cheek and lip) | 6  |
| Leg  | 3  |
| Underarm                                     | 2  |
| TOTAL  | 36 |

**Statutory Authority**

§ [54.1-201](#) of the Code of Virginia.

**Historical Notes**

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017; [Volume 35, Issue 12](#), eff. April 1, 2019.

**18 VAC 41-20-230. School Identification (Repealed.)**

**Historical Notes**

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; repealed, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017.

**18 VAC 41-20-240. Records.**

A. Schools shall maintain on the premises of each school and available for inspection by the board or any of its agents the following records for the period of a student's enrollment through five years after the student's completion of the curriculum, termination, or withdrawal:

1. Enrollment application containing student's signature and a two-inch by two-inch color head and shoulders photograph;
2. Daily record of attendance containing student's signature;
3. Student clock hours containing student's signature and method of calculation;
4. Practical performance completion sheets containing student's signature;
5. Final transcript; and
6. All other relevant documents that account for a student's accrued clock hours and practical applications.

B. Schools shall produce to the board or any of its agents within 10 days of the request any document, book, or record concerning any student, or for which the licensee is required to maintain records, for inspection and copying by the board or its agents. The board may extend such timeframe upon a showing of extenuating circumstances prohibiting delivery within such 10-day period.

C. Schools shall, within 21 days upon receipt of a written request from a student, provide documentation of hours and performances completed by the student as required to be maintained by subsection A of this section.

D. Prior to a school changing ownership or a school closing, the school is required to provide to current students documentation of hours and performances completed.

~~E. For a period of one year after a school changes ownership, the school shall provide, within 21 days upon receipt of a written request from a student, documentation of hours and performances completed by a current student.~~

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**Statutory Authority**

§ [54.1-201](#) of the Code of Virginia.

**Historical Notes**

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017.

**18 VAC 41-20-250. Reporting.**

A. Schools shall provide, in a manner, format, and frequency prescribed by the board, a roster of all current students and a roster of students who attended in the preceding six months prior to the reporting deadline.

B. Within 30 days of ceasing to operate, whether through dissolution or alteration of the business entity, the school shall provide a written report to the board on performances and hours of each of its students who have not completed the program.

**Statutory Authority**

§ [54.1-201](#) of the Code of Virginia.

**Historical Notes**

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017.

**PART VI.**

**STANDARDS OF PRACTICE.**

**18 VAC 41-20-260. Display of License.**

A. Each shop, salon, or school shall ensure that all current licenses, certificates or permits issued by the board shall be displayed in plain view of the public either in the reception area or at individual work stations of the shop, salon, or school. Duplicate licenses, certificates, or permits shall be posted in a like manner in every shop, salon, or school location where the regulant provides services.

B. Each shop, salon, or school shall ensure that no employee, licensee, student, or apprentice performs any service beyond the scope of practice for the applicable license.

C. All licensees, certificate holders, and permit holders shall operate under the name in which the license, certificate, or permit is issued.

D. Unless also licensed as a cosmetologist, a barber or master barber is required to hold a separate nail technician or wax technician license if performing nail care or waxing.

~~E. Proof of apprenticeship issued by the Department of Labor and Industry shall be displayed in plain view of the public either in the reception area or at individual work stations of the shop or salon.~~

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E. Proof of apprenticeship registration issued by the Department of Labor and Industry (DOLI) shall be displayed in plain view of the public either in the reception area or at individual work stations of the shop or salon. The apprentice sponsor shall require each apprentice to wear a badge clearly indicating his status as a DOLI registered apprentice.

**Statutory Authority**

§ [54.1-201](#) of the Code of Virginia.

**Historical Notes**

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017; [Volume 35, Issue 12](#), eff. April 1, 2019.

**18 VAC 41-20-270. Sanitation and Safety Standards for Shops, Salons, and Schools.**

A. Sanitation and safety standards. Any shop, salon, school, or facility where barber, master barber, cosmetology, or nail or waxing services are delivered to the public must be clean and sanitary at all times. Compliance with these rules does not confer compliance with other requirements set forth by federal, state, and local laws, codes, ordinances, and regulations as they apply to business operation, physical construction and maintenance, safety, and public health. Licensees shall take sufficient measures to prevent the transmission of communicable and infectious diseases and comply with the sanitation standards identified in this section and shall ensure that all employees likewise comply.

B. Disinfection and storage of implements.

Materials contained in this agenda are proposed for discussion and are not to be construed as regulation or official Board position.

~~1. A wet disinfection unit is a container large enough to hold a disinfectant solution in which the objects to be disinfected are completely immersed. A wet disinfection unit must have a cover to prevent contamination of the solution. The solution must be an Environmental Protection Agency (EPA) registered disinfectant that is bactericidal, virucidal, and fungicidal. Disinfectant solutions shall be used according to manufacturer's directions. Each barber, master barber, cosmetologist, nail technician, and wax technician must have a wet disinfection unit at his station and must meet the standards in the definition of wet disinfection requirements.~~

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2. Disinfection of multiuse items constructed of hard, nonporous materials such as metal, glass, or plastic that the manufacturer designed for use on more than one client, including clippers, scissors, combs, and nippers is to be carried out in the following manner prior to servicing a client:

- a. Remove all foreign matter from the object, utilizing a brush if needed. Drill bits are to be soaked in acetone and scrubbed with a wire brush to remove all foreign matter;
- b. Wash thoroughly with hot water and soap;
- c. Rinse thoroughly with clean water and dry thoroughly with a clean paper towel;
- d. Fully immerse implements into solution for a minimum of 10 minutes; and
- e. After immersion, rinse articles, dry thoroughly with a clean paper towel, and store in a clean, pre-disinfected, and dry cabinet, drawer, or nonairtight sealed covered container, or leave instruments in an EPA-registered wet disinfection unit storage solution used according to manufacturer's directions.

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3. Single-use items designed by the manufacturer for use on no more than one client should be discarded immediately after use on each individual client, including but not limited to powder puffs, lip color, cheek color, sponges, styptic pencils, or nail care implements, or disposable razors. The disinfection and reuse of these items is not permitted and the use of single-use items on more than one client is prohibited.

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4. For the purpose of recharging, rechargeable clippers may be stored in an area other than in a closed cabinet or container. This area shall be clean and the cutting edges of any clippers are to be disinfected.

5. Electrical clipper blades shall be disinfected before and after each use.

If the clipper blade cannot be removed, the use of a spray or foam used according to the manufacturer's instructions will be acceptable provided that the disinfectant is an EPA-registered disinfectant that is bactericidal, virucidal, and fungicidal, and that the entire handle is also disinfected by wiping with the disinfectant solution.

6. All wax pots shall be cleaned and disinfected with an EPA-registered disinfectant that is bactericidal, virucidal, and fungicidal with no sticks left standing in the wax at any time. The area immediately surrounding the wax pot shall be clean and free of clutter, waste materials, spills, and any other items that may pose a hazard.

Commented [A5]: Make sure to get the definition for wet disinfection unit or spray

~~7. Each barber, master barber, cosmetologist, nail technician, and wax technician must have a wet disinfection unit at his station.~~

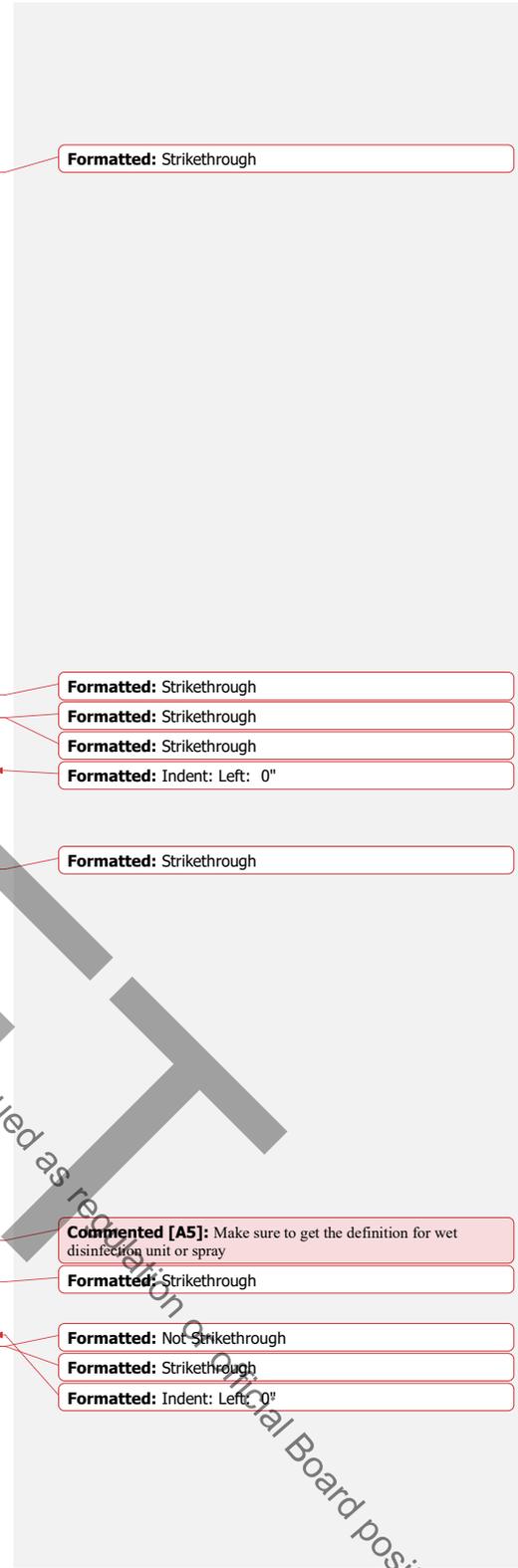
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~~7.8. Sinks and bowls, tubs, whirlpool units, air-jetted basins, pipe-less units, and non-whirlpool basins used in the performance of nail care shall be maintained in accordance with manufacturer's recommendations. They shall be cleaned and disinfected immediately after each client in the following manner:~~

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- a. Drain all water and remove all debris;
- b. Clean the surfaces and walls with soap or detergent to remove all visible debris, oils, and product residue and then rinse with water;
- c. Disinfect by spraying or wiping the surface with an EPA-registered disinfectant that is bactericidal, virucidal, and fungicidal in accordance with manufacturer directions; and
- d. Wipe dry with a clean towel.

8. Foot tubs, whirlpool units, air-jetted basins, pipe-less units, and non-whirlpool basins used in the performance of nail care shall be maintained in accordance with manufacturer's recommendations. They shall be cleaned and disinfected immediately after each client in the following manner:

- a. Drain all water and remove all debris;
- b. Clean the surfaces and walls with soap or detergent to remove all visible debris, oils, and product residue and then rinse with water;
- c. Disinfect with an EPA-registered disinfectant that is bactericidal, virucidal, and fungicidal in accordance with manufacturer directions for pedicure units; and
- d. Wipe dry with a clean towel.

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C. General sanitation and safety requirements.

1. Service chairs, wash basins, shampoo sinks, workstations and workstands, and back bars shall be clean;
2. The floor surface in all work areas must be of a washable surface other than carpet. The floor must be kept clean and free of hair, nail clippings, dropped articles, spills, clutter, trash, electrical cords, other waste materials, and any other items that may pose a hazard;
3. All furniture, fixtures, walls, floors, windows, and ceilings shall be clean and in good repair and free of water seepage and dirt. Any mats shall be secured or shall lie flat;
4. A fully functional bathroom in the same building with a working toilet and sink must be available for clients. There must be hot and cold running water. Fixtures must be in good condition. The bathroom must be lighted and sufficiently ventilated. If there is a window, it must have a screen. There must be soap and clean single-use towels or hand air-drying device for the client's use. Laundering of towels is allowed, space permitting. The bathroom must not be used as a work area or for the open storage of chemicals. For facilities newly occupied after January 1, 2017, the bathroom shall be maintained exclusively for client use or shared with other businesses in the same building. If the bathroom is shared, the bathroom shall be available for client use and within 200 feet of the entrance and must adhere to all sanitation requirements of this chapter;
5. General areas for client use must be neat and clean with a waste receptacle for common trash;
6. Electrical cords shall be placed to prevent entanglement by the client or licensee, and electrical outlets shall be covered by plates;
7. All sharp tools, implements, and heat-producing appliances shall be in safe working order at all times, safely stored, and placed so as to prevent any accidental injury to the client or licensee;
8. The salon area shall be sufficiently ventilated to exhaust hazardous or objectionable airborne chemicals, and to allow the free flow of air; and

9. Adequate lighting shall be provided.

D. Articles, tools, and products.

1. Clean towels, robes, or other linens shall be used for each patron. Clean towels, robes, or other linens shall be stored in a clean, pre-disinfected, and dry cabinet, drawer, or nonairtight covered container. Soiled towels, robes, or other linens shall be stored in a container enclosed on all sides including the top, except if stored in a separate laundry room;
2. Whenever a haircloth is used, a clean towel or neck strip shall be placed around the neck of the patron to prevent the haircloth from touching the skin;
3. Soiled implements must be removed from the tops of work stations immediately after use;
4. Lotions, ointments, creams, and powders shall be accurately labeled and kept in closed containers. A clean spatula, other clean tools, or clean disposable gloves shall be used to remove bulk substances such as creams or ointments from jars. Sterile cotton or sponges shall be used to apply creams, lotions, and powders. Cosmetic containers shall be covered after each use;
5. For nail care, if a sanitary container is provided for a client, the sanitary container shall be labeled and implements shall be used solely for that specific client. Disinfection shall be carried out in accordance with subdivisions B 1 and B 2 of this section;
6. No substance other than a sterile styptic powder or sterile liquid astringent approved for homeostasis and applied with a sterile single-use applicator shall be used to check bleeding; and
7. Any disposable material making contact with blood or other body fluid shall be disposed of in a sealed plastic bag and removed from the shop, salon, school, or facility in accordance with the guidelines of the Virginia Department of Health.

**Commented [A6]:** Natural hair and neck dusters should not be used on more than one client. Check to see if this can go in the single use category. Non porous dusters are the best to use

E. Chemical storage and emergency information.

1. Shops, salons, schools, and facilities shall have in the immediate working area a binder with all Safety Data Sheets (SDS) provided by manufacturers for any chemical products used;
2. Shop, salons, schools, and facilities shall have a blood spill clean-up kit in the work area that contains at minimum latex gloves, two 12-inch by 12-inch towels, one disposable trash bag, bleach, one empty spray bottle, and one mask with face shield or any Occupational Safety and Health Administration (OSHA) approved blood spill clean-up kit;
3. Flammable chemicals shall be labeled and stored in a nonflammable storage cabinet or a properly ventilated room; and
4. Chemicals that could interact in a hazardous manner (e.g., oxidizers, catalysts, and solvents) shall be labeled and separated in storage.

**Commented [A7]:** What is the guideline

F. Client health guidelines.

1. All employees providing client services shall cleanse their hands with a soap product prior to providing services to each client. Licensees shall require that clients for nail care services shall cleanse their hands immediately prior to the requested nail care service;

Materials contained in this document are preliminary and for discussion purposes only. They are not to be construed as regulation or official Board position.

2. An artificial nail shall only be applied to a healthy natural nail;
3. A nail drill or motorized instrument shall be used only on the free edge of the nail;
4. No shop, salon, school, or facility providing cosmetology or nail care services shall have on the premises cosmetic products containing hazardous substances that have been banned by the U.S. Food and Drug Administration (FDA) for use in cosmetic products;
5. No product shall be used in a manner that is disapproved by the FDA; and
6. All regulated services must be performed in a facility that is in compliance with current local building and zoning codes.

Commented [A8]: Mr Roberts will provide language on this

G. In addition to any requirements set forth in this section, all licensees and temporary permit holders shall adhere to regulations and guidelines established by the Virginia Department of Health and the Occupational Safety and Health Compliance Division of the Virginia Department of Labor and Industry.

H. All shops, salons, schools, and facilities shall immediately report the results of any inspection of the shop, salon, or school by the Virginia Department of Health as required by § 54.1-705 of the Code of Virginia.

I. All shops, salons, schools, and facilities shall maintain a self-inspection form on file to be updated on an annual basis, and kept for five years, so that it may be requested and reviewed by the board at its discretion.

#### Statutory Authority

§ 54.1-201 of the Code of Virginia.

#### Historical Notes

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017; [Volume 35, Issue 12](#), eff. April 1, 2019; [Volume 36, Issue 9](#), eff. February 10, 2020; [Volume 39, Issue 4](#), eff. December 1, 2022.

#### 18 VAC 41-20-280. Grounds for License Revocation or Suspension; Denial of Application, Renewal or Reinstatement; or Imposition of a Monetary Penalty.

The board may, in considering the totality of the circumstances, fine any licensee, certificate holder, or permit holder; suspend or revoke or refuse to renew or reinstate any license, certificate, or permit; or deny any application issued under the provisions of Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia and this chapter if it finds that the licensee, certificate holder, permit holder, or applicant:

1. Is incompetent, or negligent in practice, or incapable mentally or physically, as those terms are generally understood in the profession, to practice as a barber, master barber, cosmetologist, nail technician, or wax technician, or to operate a shop, salon, or school;
2. Is convicted of fraud or deceit in the practice or teaching of barbering, master barbering, cosmetology, nail care, or waxing or fails to teach the curriculum as provided for in this chapter;
3. Attempts to obtain, obtained, renewed or reinstated a license, certificate, or temporary license by false or fraudulent representation;
4. Violates or induces others to violate, or cooperates with others in violating, any of the provisions of this chapter or Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia or any local ordinance or regulation governing standards of health and sanitation of the establishment in which any

barber, master barber, cosmetologist, nail technician, or wax technician may practice or offer to practice;

5. Offers, gives, or promises anything of value or benefit to any federal, state, or local employee for the purpose of influencing that employee to circumvent, in the performance of his duties, any federal, state, or local law, regulation, or ordinance governing barbering, master barbering, cosmetology, nail care, or waxing as defined in § 54.1-700 of the Code of Virginia;

6. Fails to respond to the board or any of its agents or provides false, misleading, or incomplete information to an inquiry by the board or any of its agents;

7. Fails or refuses to allow the board or any of its agents to inspect during reasonable hours any licensed shop, salon, or school for compliance with provisions of Chapter 7 (§ 54.1-700 et seq.) or this chapter;

8. Fails to produce, upon request or demand of the board or any of its agents, any document, book, record, or copy thereof in a licensee's or owner's possession or maintained in accordance with these regulations;

9. Fails to notify the board of a change of name or address in writing within 30 days of the change for each and every license, certificate, or permit;

10. Makes any misrepresentation or publishes or causes to be published any advertisement that is false, deceptive, or misleading;

11. Fails to notify the board in writing within 30 days of the suspension, revocation, or surrender of a license, certificate, or permit in connection with a disciplinary action in any jurisdiction or of any license, certificate, or permit that has been the subject of disciplinary action in any jurisdiction;

12. Has been convicted or found guilty, regardless of the manner of adjudication in Virginia or any other jurisdiction of the United States, of a misdemeanor involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury or any felony, there being no appeal pending therefrom or the time for appeal having elapsed. Review of convictions shall be subject to the requirements of § 54.1-204 of the Code of Virginia. Any plea of nolo contendere shall be considered a conviction for purposes of this subdivision. The record of a conviction certified or authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such conviction or guilt;

13. Fails to inform the board in writing within 30 days of pleading guilty or nolo contendere or being convicted or found guilty regardless of adjudication of any convictions as stated in subdivision 12 of this section;

14. Allows, as responsible management of a shop, salon, or school, a person who has not obtained a license or a temporary permit to practice as a barber, master barber, cosmetologist, nail technician, or wax technician unless the person is duly enrolled as a registered apprentice;

15. Allows, as responsible management of a school, a person who has not obtained an instructor certificate or a temporary permit to practice as a barber, master barber, cosmetologist, nail technician, or wax technician instructor;

16. Fails to take sufficient measures to prevent transmission of communicable or infectious diseases or fails to comply with sanitary requirements provided for in this chapter or any local, state, or federal law or regulation governing the standards of health and sanitation for the practices of barbering, master barbering, cosmetology, nail care, or waxing, or the operation of barbershops, cosmetology salons, nail salons, or waxing salons; or

17. Fails to comply with all procedures established by the board and the testing service with regard to conduct at any board examination.

Materials contained in this document are proposed topics for discussion. DRAFT. Not for use as regulation or official Board position.

**Statutory Authority**

§ [54.1-201](#) of the Code of Virginia.

**Historical Notes**

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 29, Issue 26](#), eff. November 1, 2013; [Volume 33, Issue 09](#), eff. February 1, 2017; [Volume 35, Issue 12](#), eff. April 1, 2019. [Volume 38, Issue 4](#), eff. December 1, 2021.

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Included in this booklet for your convenience are relevant excerpts from the Code of Virginia. Please note that the Virginia General Assembly, not the Board for Barbers and Cosmetology, is responsible for creating and amending the statutes contained in the Code of Virginia. It is your responsibility to stay informed of revisions to the regulations and the statutes governing your profession or occupation. Please consult the General Assembly or your local library for annual changes.

**Code of Virginia**

**Title 54.1 - PROFESSIONS AND OCCUPATIONS**

**Chapter 7 - Barbers and Cosmetologists**

**§ 54.1-700. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Barber" means any person who shaves, shapes or trims the beard; cuts, singes, or dyes the hair or applies lotions thereto; applies, treats or massages the face, neck or scalp with oils, creams, lotions, cosmetics, antiseptics, powders, clays or other preparations in connection with shaving, cutting or trimming the hair or beard, and practices barbering for compensation and when such services are not performed for the treatment of disease.

"Barbering" means any one or any combination of the following acts, when done on the human body for compensation and not for the treatment of disease, shaving, shaping and trimming the beard; cutting, singeing, or dyeing the hair or applying lotions thereto; applications, treatment or massages of the face, neck or scalp with oils, creams, lotions, cosmetics, antiseptics, powders, clays, or other preparations in connection with shaving, cutting or trimming the hair or a beard. The term "barbering" shall not apply to the acts described hereinabove when performed by any person in his home if such service is not offered to the public.

"Barber instructor" means any person who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of barbering.

"Barbershop" means any establishment or place of business within which the practice of barbering is engaged in or carried on by one or more barbers.

"Board" means the Board for Barbers and Cosmetology.

"Body-piercer" means any person who for remuneration penetrates the skin of a person to make a hole, mark, or scar, generally permanent in nature.

Materials contained in this book are proposed and are not intended to be construed as regulation or official Board position.

"Body-piercing" means the act of penetrating the skin of a person to make a hole, mark, or scar, generally permanent in nature.

"Body-piercing salon" means any place in which a fee is charged for the act of penetrating the skin of a person to make a hole, mark, or scar, generally permanent in nature.

"Body-piercing school" means a place or establishment licensed by the Board to accept and train students in body-piercing.

"Cosmetologist" means any person who administers cosmetic treatments; manicures or pedicures the nails of any person; arranges, dresses, curls, waves, cuts, shapes, singes, waxes, tweezes, shaves, bleaches, colors, relaxes, straightens, or performs similar work, upon human hair, or a wig or hairpiece, by any means, including hands or mechanical or electrical apparatus or appliances unless such acts as adjusting, combing, or brushing prestyled wigs or hairpieces do not alter the prestyled nature of the wig or hairpiece, and practices cosmetology for compensation. The term "cosmetologist" shall not include hair braiding upon human hair, or a wig or hairpiece.

"Cosmetology" includes, but is not limited to, the following practices: administering cosmetic treatments; manicuring or pedicuring the nails of any person; arranging, dressing, curling, waving, cutting, shaping, singeing, waxing, tweezing, shaving, bleaching, coloring, relaxing, straightening, or similar work, upon human hair, or a wig or hairpiece, by any means, including hands or mechanical or electrical apparatus or appliances, but shall not include hair braiding upon human hair, or a wig or hairpiece, or such acts as adjusting, combing, or brushing prestyled wigs or hairpieces when such acts do not alter the prestyled nature of the wig or hairpiece.

"Cosmetology instructor" means a person who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of cosmetology.

"Cosmetology salon" means any commercial establishment, residence, vehicle or other establishment, place or event wherein cosmetology is offered or practiced on a regular basis for compensation and may include the training of apprentices under regulations of the Board.

"Esthetician" means a person who engages in the practice of esthetics for compensation.

"Esthetics" includes, but is not limited to, the following practices of administering cosmetic treatments to enhance or improve the appearance of the skin: cleansing, toning, performing effleurage or other related movements, stimulating, exfoliating, or performing any other similar procedure on the skin of the human body or scalp by means of cosmetic preparations, treatments, or any nonlaser device, whether by electrical, mechanical, or manual means, for care of the skin; applying make-up or eyelashes to any person, tinting or perming eyelashes and eyebrows, and lightening hair on the body except the scalp; and removing unwanted hair from the body of any person by the use of any nonlaser device, by tweezing, or by use of chemical or mechanical means. However, "esthetics" is not a healing art and shall not include any practice, activity, or treatment that constitutes the practice of medicine, osteopathic medicine, or chiropractic. The terms "healing arts," "practice of medicine," "practice of osteopathic medicine," and "practice of chiropractic" shall mean the same as those terms are defined in § [54.1-2900](#).

"Esthetics instructor" means a licensed esthetician who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of esthetics.

"Esthetics spa" means any commercial establishment, residence, vehicle, or other establishment, place, or event wherein esthetics is offered or practiced on a regular basis for compensation under regulations of the Board.

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"Master barber" means a licensed barber who, in addition to the practice of barbering, performs waving, shaping, bleaching, relaxing, or straightening upon human hair; performs similar work on a wig or hairpiece; or performs waxing limited to the scalp.

"Master esthetician" means a licensed esthetician who, in addition to the practice of esthetics, offers to the public for compensation, without the use of laser technology, lymphatic drainage, chemical exfoliation, or microdermabrasion, and who has met such additional requirements as determined by the Board to practice lymphatic drainage, chemical exfoliation with products other than Schedules II through VI controlled substances as defined in the Drug Control Act (§ [54.1-3400](#) et seq.), and microdermabrasion of the epidermis.

"Nail care" means manicuring or pedicuring natural nails or performing artificial nail services.

"Nail salon" means any commercial establishment, residence, vehicle or other establishment, place or event wherein nail care is offered or practiced on a regular basis for compensation and may include the training of apprentices under regulations of the Board.

"Nail school" means a place or establishment licensed by the board to accept and train students in nail care.

"Nail technician" means any person who for compensation manicures or pedicures natural nails, or who performs artificial nail services for compensation, or any combination thereof.

"Nail technician instructor" means a licensed nail technician who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of nail care.

"Physical (wax) depilatory" means the wax depilatory product or substance used to remove superfluous hair.

"School of cosmetology" means a place or establishment licensed by the Board to accept and train students and which offers a cosmetology curriculum approved by the Board.

"School of esthetics" means a place or establishment licensed by the Board to accept and train students and which offers an esthetics curriculum approved by the Board.

"Tattoo parlor" means any place in which tattooing is offered or practiced.

"Tattoo school" means a place or establishment licensed by the Board to accept and train students in tattooing.

"Tattooer" means any person who for remuneration practices tattooing.

"Tattooing" means the placing of designs, letters, scrolls, figures, symbols or any other marks upon or under the skin of any person with ink or any other substance, resulting in the permanent coloration of the skin, including permanent make-up or permanent jewelry, by the aid of needles or any other instrument designed to touch or puncture the skin.

"Wax technician" means any person licensed by the Board who removes hair from the hair follicle using a physical (wax) depilatory or by tweezing.

"Wax technician instructor" means a licensed wax technician who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of waxing.

"Waxing" means the temporary removal of superfluous hair from the hair follicle on any area of the human body through the use of a physical (wax) depilatory or by tweezing.

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"Waxing salon" means any commercial establishment, residence, vehicle or other establishment, place or event wherein waxing is offered or practiced on a regular basis for compensation and may include the training of apprentices under regulations of the Board.

"Waxing school" means a place or establishment licensed by the Board to accept and train students in waxing.

1962, c. 639, § 1, § 54-83.2; 1966, c. 610; 1973, c. 86; 1974, c. 534; 1988, c. 765; 2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#); 2017, c. [390](#); 2018, cc. [219](#), [231](#), [237](#), [404](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

**§ 54.1-701. Exemptions.**

The provisions of this chapter shall not apply to:

1. Persons authorized by the laws of the Commonwealth to practice medicine and surgery or osteopathy or chiropractic;
2. Registered nurses licensed to practice in the Commonwealth;
3. Persons employed in state or local penal or correctional institutions, rehabilitation centers, sanatoria, or institutions for care and treatment of individuals with mental illness or intellectual disability, or for care and treatment of geriatric patients, as barbers, cosmetologists, wax technicians, nail technicians, estheticians, barber instructors, cosmetology instructors, wax technician instructors, nail technician instructors, or esthetics instructors who practice only on inmates of or patients in such sanatoria or institutions;
4. Persons licensed as funeral directors or embalmers in the Commonwealth;
5. Gratuitous services as a barber, nail technician, cosmetologist, wax technician, tattooer, body-piercer, or esthetician;
6. Students enrolled in an approved school taking a course in barbering, nail care, cosmetology, waxing, tattooing, body-piercing, or esthetics;
7. Persons working in a cosmetology salon whose duties are expressly confined to the blow drying, arranging, dressing, curling, or cleansing of human hair;
8. Apprentices serving in a barbershop, nail salon, waxing salon, cosmetology salon, or esthetics spa licensed by the Board in accordance with the Board's regulations;
9. Schools of barbering, nail care, waxing, or cosmetology in public schools; and
10. Persons whose activities are confined solely to applying make-up, including such activities that are ancillary to applying make-up.

1962, c. 639, § 4, § 54-83.5; 1968, c. 622; 1988, c. 765; 2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [476](#), [507](#), [803](#), [835](#); 2018, c. [404](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

**§ 54.1-702. Board for Barbers and Cosmetology; membership; officers; quorum.**

The Board for Barbers and Cosmetology shall be composed of 10 members as follows: two members shall be licensed barbers, one of whom may be an owner or operator of a barber school; two members

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shall be licensed cosmetologists, at least one of whom shall be a salon owner and one of whom may be an owner or operator of a cosmetology school; one member shall be a licensed nail technician or a licensed cosmetologist engaged primarily in the practice of nail care, each of whom shall have been licensed in their respective professions for at least three years immediately prior to appointment; one member shall be either a licensed tattooer or a licensed body-piercer; two members shall be licensed estheticians, at least one of whom shall be an esthetics salon owner and one of whom may be an owner, operator, or designated representative of a licensed esthetics school; and two citizen members. The terms of Board members shall be four years. No member shall serve for more than two full successive terms. The Board shall elect a chairman and a vice-chairman. A majority of the Board shall constitute a quorum.

1962, c. 639, § 21, § 54-83.22; 1974, c. 534; 1979, c. 327; 1981, c. 447; 1988, cc. 42, 765; 2000, c. [726](#); 2002, c. [869](#); 2004, c. [945](#); 2005, c. [829](#); 2010, c. [91](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

**§ 54.1-703. License required.**

No person shall offer to engage in or engage in barbering, cosmetology, nail care, waxing, tattooing, body-piercing, or esthetics without a valid license issued by the Board, except as provided in § [54.1-701](#).

1979, c. 408, § 54-83.22:1; 1988, c. 765; 2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

**§ 54.1-703.1. Waiver of examination; wax technicians.**

The Board shall waive the examination requirements for licensure as a wax technician for any individual who (i) makes application for licensure between July 1, 2002, and July 1, 2003; (ii) otherwise complies with Board regulations relating to moral turpitude; and (iii) meets any of the following conditions:

1. Has at least three years of documented work experience as a wax technician that is deemed satisfactory by the Board;
2. Has completed a training program that is deemed satisfactory by the Board; or
3. Holds an unexpired certificate of registration, certification, or license as a wax technician issued to him on the basis of comparable requirements by a proper authority of a state, territory, or possession of the United States or the District of Columbia. 2002, c. [797](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

**§ 54.1-703.2. Repealed.**

Repealed by Acts 2012, cc. [803](#) and [835](#), cl. 54.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

**§ 54.1-703.3. Waiver of examination; estheticians.**

The Board shall waive the examination requirements for licensure as an esthetician or master esthetician for any individual who (i) makes application for licensure by July 31, 2009; (ii) otherwise complies with Board regulations relating to moral turpitude; and (iii) meets any of the following conditions:

1. Has at least three years of documented work experience as an esthetician or a master esthetician completed prior to July 1, 2008, that is deemed satisfactory by the Board;
2. Has completed a training program prior to July 1, 2008, that is deemed satisfactory by the Board; or
3. Holds an unexpired certificate of registration, certification, or license as an esthetician or a master esthetician issued to him prior to July 1, 2008, on the basis of comparable requirements by a proper authority of a state, territory, or possession of the United States, or the District of Columbia.

2005, c. [829](#); 2009, cc. [166](#), [328](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

**§ 54.1-704. Temporary licenses.**

The Board may issue a temporary license to any person who is eligible for examination. Persons issued a temporary license shall be subject to the regulations of the Board.

The Board shall promulgate regulations consistent with this section to permit individuals to be granted temporary licenses for a specified period of time.

1984, c. 220, § 54-83.22:2; 1988, c. 765; 2000, c. [726](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

**§ 54.1-704.1. License required for barbershop, cosmetology salon, nail care salon, waxing salon, tattoo parlor, body-piercing salon, and esthetics spa.**

No individual or entity shall operate a barbershop, cosmetology salon, nail care salon, waxing salon, tattoo parlor, body-piercing salon, or esthetics spa without a valid license issued by the Board.

The provisions of this section shall not apply to a licensed barber, cosmetologist, nail technician, waxing technician, tattooer, body-piercer, or esthetician who does not have an ownership interest in a licensed barbershop, cosmetology salon, nail care salon, waxing salon, tattoo parlor, body-piercing salon, or esthetics spa in which he is employed.

2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

**§ 54.1-704.2. License required for schools of barbering, cosmetology, nail care, waxing, tattooing, body-piercing, or esthetics.**

Except as provided in § [54.1-701](#), no person, firm or corporation shall operate or attempt to operate a school of barbering, cosmetology, nail care, waxing, tattooing, body-piercing, or esthetics unless licensed by the Board pursuant to its regulations.

2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

**§ 54.1-705. Inspections.**

A. Inspectors and sanitarians of the State Department of Health, or an affiliated local health department, may inspect each barbershop, cosmetology salon, waxing salon, nail care salon, tattoo parlor, body-piercing salon, and esthetics spa in the Commonwealth regularly. Any infractions shall be immediately reported to the Health Department and the Director of the Department of Professional and Occupational Regulation for disciplinary action.

B. The Board may inspect barbershops, barber schools, cosmetology salons and schools, waxing salons and schools, nail care salons and schools, tattoo parlors and schools, body-piercing salons and schools, and esthetics spas and schools for compliance with regulations promulgated by the Board.

C. The Board shall specify procedures for enforcement of compliance with the disease control and disclosure requirements of § [18.2-371.3](#), including unannounced inspections by appropriate personnel.

D. The Board or the Virginia Department of Health, or an affiliated local health department, may regulate the sanitary condition of the personnel, equipment and premises of tattoo parlors and body-piercing salons.

1962, c. 639, § 26, § 54-83.27; 1974, c. 534; 1988, c. 765; 1993, c. 499; 2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

**§ 54.1-706. Different requirements for licensure.**

A. The Board shall have the discretion to impose different requirements for licensure for the practice of barbering, cosmetology, nail care, waxing, tattooing, body-piercing, and esthetics.

B. The Board shall issue a license to practice as a master barber in the Commonwealth to:

1. An individual who holds a valid, unexpired license as a barber issued by the Board prior to December 8, 2017; or
2. An applicant who has successfully (i) completed the educational requirements as required by the Board, (ii) completed the experience requirements as required by the Board, and (iii) passed the examination approved by the Board.

2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#); 2018, cc. [231](#), [237](#).

**From:** William Van <[REDACTED]>  
**Sent:** Wednesday, May 17, 2023 4:51 PM  
**To:** DPOR: Board for Professional & Occupational Regulation (DPOR) <BPOR@dpor.virginia.gov>  
**Subject:** Autoclave compliance/question

Good afternoon,

My name is Wen-Hao Van, I am a licensed tattoo artist/Instructor. My Business name is Tattoos by Van LLC, DBA White Tulip Society. I was undergoing a DPOR inspection, and investigator Ashley Dean and I were discussing the use of an Autoclave at our studio. Despite understanding the requirement of having one at the current parlor, we do not have any use for the equipment as all of our supplies are disposable. As far as our tattoo machines go, they can not be soaked and sanitized in an autoclave as they are wireless/battery-operated machines manufactured by a reputable company in the tattoo industry. FK Irons, the machines will be destroyed if submerged in any sort of solutions.

We strive to be compliant with the DPOR guidelines, therefore, I would like to open up a discussion with the board regarding this dilemma.

Please let me know if there are any questions for me.

Thank you

Van

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DRAFT AGENDA

DRAFT AGENDA

Att: Kelley Smith,

abby qurraa [REDACTED]

Thu 6/1/2023 6:53 AM

To: DPOR: Board for Barbers & Cosmetology (DPOR) <barbercosmo@dpor.virginia.gov>

Dear Ms. Smith,

I hope this email finds you well.

Throughout my career, I have witnessed the profound impact that physical scars can have on people's lives. It is heartening to know that there are professionals like you who are committed to providing support and assistance to those in need. I share your belief that the focus should be on helping clients and not solely on financial gain.

For quite some time now, I have been offering my services to such individuals without charging any fees. It brings me great joy and satisfaction to see their confidence being restored, knowing that I have made a positive impact on their lives. Unlike some artists who are solely focused on monetary gain, my motivation lies in assisting and supporting these clients on their journey toward healing and self acceptance.

Unfortunately, I have also encountered stories of individuals who sought the services of artists driven solely by financial gain, with little regard for the emotional and psychological well being of their clients. Such experiences have only reinforced my belief in the importance of integrity and empathy within this industry.

It is disheartening to learn that there are practitioners who are operating without proper licenses, or worse, individuals who fraudulently sign on license paperwork without possessing the necessary knowledge and skills. This not only jeopardizes the well being of clients but also undermines the credibility of our profession as a whole. However, I have also become aware of a concerning issue within our industry. It has come to my attention that some artists and schools have been signing licensing paperwork without the necessary knowledge or experience, solely driven by monetary motives. I have had the opportunity to interact with students who have shared their experiences of being taught by such individuals, who lack the expertise or genuine dedication to their craft. This not only puts clients at risk but also tarnishes the reputation of our profession.

Given this unfortunate reality, I believe it is crucial for us to come together and advocate for stricter regulations and oversight. We must ensure that only qualified individuals with the necessary skills and knowledge are granted licenses to practice. By doing so, we can promote the highest standards of care and professionalism, safeguarding the interests and well being of our clients.

Thank you for your time and consideration. I look forward to the possibility of working together and making a positive difference in the lives of our clients.

With warm regards,

Abby Qurraa

*Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.*

**DRAFT AGENDA**

**DRAFT AGENDA**

From: Dr. Joseph Schibner [REDACTED]  
Sent: Saturday, June 3, 2023 4:17 PM  
To: Melis, Demetrios (DPOR) [REDACTED]  
Cc: Smith, Kelley (DPOR) [REDACTED]  
Subject: Esthetics Statutory Changes in Virginia

June 3, 2023

Dear Mr. Melis,

My name is Dr. Joseph Schibner and I am the President of Lotus Professional College. We have an Esthetics and Master Esthetic program at our college. This College is certified by SCHEV, licensed by DPOR, and Accredited by ACCSC.

I have been an educator and administrator for over 30 years. In the past, I have served 2 terms as Chair of the Massage Advisory Board for Virginia. I also work with accrediting boards as a peer evaluator.

I recently heard about the possibility of changes to the Esthetics Statutes. I have never understood why there were 2 levels of Estheticians created, or why specific sections were taught over in both programs. I have developed our programs around DPOR regulations but have always thought the 2 levels and hours to be excessive.

An undue burden is being placed on the students in both time and money. Several of the courses have material that is repeated and material that is given much too much time.

There is no reason that one 300-hour program cannot sufficiently instruct the students in all areas and maintain public safety.

If at any time you would like me to share with you my thoughts about this topic, I would be happy to. I believe there are sections that could be combined very easily removing well over 300 to 400 hours and have only one level of licensure.

It simply doesn't make sense to have the two levels. Students would be able to work sooner with less debt and still have an excellent education, protecting public safety.

Thank you for your time,

Dr. Schibner L.Ac., LMT

Dr. Joseph Louis Schibner IV, President  
Lotus Professional College

[www.lotusva.com](http://www.lotusva.com)

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## Exam Statistics

### Barber

- The pass rates for the Barber theory exam in 2023 increased from 2022, ranging 47% (2022 36%). The 2023 practical pass rates increased from 2022 averaging 88% (2022 83%).

### Master Barber

- The Master Barber theory exam pass rates decreased from 2022 averaging 18% (2022 27%)  
The Master Barber practical exam pass rates increased with 2022 averaging 75% (2022 73%)

### Cosmetology

- The cosmetology 2023 theory pass rates are consistent with 2022 averaging 53% (2022 53%) and the 2023 practical pass rates increased from 2022 averaging 81% (2022 91%).

### Nail Technician

- The nail technician theory exam pass rates for 2023 decreased from 2022 averaging 56% (2022 66%) and the practical exam pass rates increased from 2022 averaging 87% (2022 80%).

### Esthetician

- The 2023 theory exam pass rates for estheticians are decreased from 2022 averaging 71% (2022 76%). The practical pass rates increased from 2022 averaging 97% (2023 93%) .

### Master Esthetics

- The Master Esthetics theory exam pass rates are consistent with 2022 averaging 2023 to 68% (2022 70%).
- The Master Esthetics practical exam pass rates increased from 2022 averaging 100% (2022 92%) .

### Tattoo

- The tattoo theory exam pass rates for 2023 decreased from 2022 averaging 86% (2022 90%)

### Permanent Cosmetic Tattooer

- The Permanent Cosmetic Tattooer pass rates for 2023 are consistent with 2022 averaging 48% (2022 49%)

### Body Piercer

- The body piercer theory exam pass rates for 2023 decreased from 2022 averaging 64% (2022 78%)

### Wax Technician

- The Wax Technician theory pass rates for 2023 are consistent with 2022 averaging 71% (2022 74%)
- The Wax Technician practical exam pass rates for 2023 decreased averaging 67% (2022 81%)



**TO:** VIRGINIA BOARD FOR BARBERS AND COSMETOLOGY  
**FROM:** KELLEY SMITH, EXECUTIVE DIRECTOR  
**SUBJECT:** BARBERS AND COSMETOLOGY REGULATORY REVIEW  
**DATE:** JUNE 22, 2023

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At the July 10, 2023 meeting, the Board will need to approve a Notice of Intended Regulatory Action (NOIRA) to initiate these regulatory changes. Please note that you will not be voting on these specific changes, but rather, you are only voting on starting a regulatory action.

The Board can initiate the NOIRA with a motion to “initiate a Notice of Intended Regulatory Action regarding regulatory reduction.”

DRAFT AGENDA  
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Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.



# VIRGINIA

## REGULATORY TOWN HALL



Agency

Department of Professional and Occupational Regulation

Board

Board for Barbers and Cosmetology

Chapter

Barbering and Cosmetology Regulations [18 VAC 41 - 20]

Review 2391

### Periodic Review of this Chapter

Includes a Small Business Impact Review

Date Filed: 5/1/2023

#### Notice of Periodic Review

Pursuant to Executive Order 19 (2022) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, this regulation is undergoing a periodic review.

The review of this regulation will be guided by the principles in Executive Order 19 <https://TownHall.Virginia.Gov/EO-19-Development-and-Review-of-State-Agency-Regulations.pdf>.

The purpose of this review is to determine whether this regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

The comment period begins May 22, 2023, and ends on June 12, 2023.

Comments may be submitted online to the Virginia Regulatory Town Hall at <http://www.townhall.virginia.gov/L/Forums.cfm>.

Comments may also be sent to Name: Kelley Smith; Title: Executive Director, Address: DPOR, 9960 Mayland Drive, Suite 400, City: Richmond, State: Virginia, Zip: 23233, Telephone: (804)367-8590, FAX: (866)245-9693, email address: BarberCosmo@dpor.virginia.gov.

In order for you to receive a response to your comment, your contact information (preferably an email address or, alternatively, a U.S. mailing address) must accompany your comment. Following the close of the public comment period, a report of both reviews will be posted on the Town Hall and a report of the small business impact review will be published in the Virginia Register of Regulations.

| Contact Information |  |
|---------------------|--|
| Name / Title:       | Kelley Smith / Executive Director  |
| Address:            | 9960 Mayland Drive<br>Suite 400<br>Richmond, VA 23233                            |
| Email Address:      | <a href="mailto:barbercosmo@dpor.virginia.gov">barbercosmo@dpor.virginia.gov</a> |
| Telephone:          | (804)367-8590 FAX: (866)245-9693 TDD: (-)  |

#### Publication of Notice in the Register and Public Comment Period

Published in the Virginia Register on 5/22/2023 [Volume: 39 Issue: 20]

Comment Period begins on the publication date and ends on 6/12/2023

Material contained in this agenda is proposed for public discussion and is not for comment or official Board position.

[Comments Received: 2](#)

**Review Result**

Pending

TH-07 Periodic Review Report of Findings *(not yet submitted)*

 [ORM Economic Review Form](#) (5/19/2023)

**Attorney General Certification**

Submitted to OAG: 5/1/2023

Review Completed: 5/2/2023

Result: Certified

 [Review Memo](#)

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

DRAFT AGENDA

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**TO:** VIRGINIA BOARD FOR BARBERS AND COSMETOLOGY  
**FROM:** KELLEY SMITH, EXECUTIVE DIRECTOR  
**SUBJECT:** ESTHETICS REGULATORY REVIEW  
**DATE:** JUNE 22, 2023

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At the July 10, 2023 meeting, the Board will need to approve a Notice of Intended Regulatory Action (NOIRA) to initiate these regulatory changes. Please note that you will not be voting on these specific changes, but rather, you are only voting on starting a regulatory action.

The Board can initiate the NOIRA with a motion to “initiate a Notice of Intended Regulatory Action regarding regulatory reduction.”

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**VIRGINIA**  
REGULATORY TOWN HALL



Agency

Department of Professional and Occupational Regulation

Board

Board for Barbers and Cosmetology

Chapter

Esthetics Regulations [18 VAC 41 - 70]

Review 2394

## Periodic Review of this Chapter

Includes a Small Business Impact Review

Date Filed: 5/1/2023

### Notice of Periodic Review

Pursuant to Executive Order 19 (2022) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, this regulation is undergoing a periodic review.

The review of this regulation will be guided by the principles in Executive Order 19  
<https://TownHall.Virginia.Gov/EO-19-Development-and-Review-of-State-Agency-Regulations.pdf>.

The purpose of this review is to determine whether this regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

The comment period begins May 22, 2023, and ends on June 12, 2023.

Comments may be submitted online to the Virginia Regulatory Town Hall at  
<http://www.townhall.virginia.gov/L/Forums.cfm>.

Comments may also be sent to Name: Kelley Smith; Title: Executive Director, Address: DPOR, 9960 Mayland Drive, Suite 400, City: Richmond, State: Virginia, Zip: 23233, Telephone: (804)367-8590, FAX: (866)245-9693, email address: BarberCosmo@dpor.virginia.gov.

In order for you to receive a response to your comment, your contact information (preferably an email address or, alternatively, a U.S. mailing address) must accompany your comment. Following the close of the public comment period, a report of both reviews will be posted on the Town Hall and a report of the small business impact review will be published in the Virginia Register of Regulations.

| Contact Information   |  |
|-----------------------|--|
| <b>Name / Title:</b>  | Kelley Smith / Executive Director  |
| <b>Address:</b>       | 9960 Mayland Drive<br>Suite 400<br>Richmond, VA 23233                            |
| <b>Email Address:</b> | <a href="mailto:barbercosmo@dpor.virginia.gov">barbercosmo@dpor.virginia.gov</a> |
| <b>Telephone:</b>     | (804)367-8590 FAX: (866)245-9693 TDD: (-)  |

### Publication of Notice in the Register and Public Comment Period

Published in the Virginia Register on 5/22/2023 [Volume: 39 Issue: 20]

Comment Period begins on the publication date and ends on 6/12/2023

Material contained in this agenda is proposed for public discussion and is not for the content of a regulation or official Board position.

[Comments Received: 35](#)

**Review Result**

Pending

TH-07 Periodic Review Report of Findings *(not yet submitted)*

 **ORM Economic Review Form** (5/19/2023)

**Attorney General Certification**

Submitted to OAG: 5/1/2023

Review Completed: 5/2/2023

Result: Certified

 **Review Memo**

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

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**TO:** VIRGINIA BOARD FOR BARBERS AND COSMETOLOGY  
**FROM:** KELLEY SMITH, EXECUTIVE DIRECTOR  
**SUBJECT:** TATTOOING REGULATORY REVIEW  
**DATE:** JUNE 22, 2023

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At the July 10, 2023 meeting, the Board will need to approve a Notice of Intended Regulatory Action (NOIRA) to initiate these regulatory changes. Please note that you will not be voting on these specific changes, but rather, you are only voting on starting a regulatory action.

The Board can initiate the NOIRA with a motion to “initiate a Notice of Intended Regulatory Action regarding regulatory reduction.”

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Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.



**VIRGINIA**  
REGULATORY TOWN HALL



Agency

Department of Professional and Occupational Regulation

Board

Board for Barbers and Cosmetology

Chapter

Tattooing Regulations [18 VAC 41 - 50]

Review 2392

## Periodic Review of this Chapter

Includes a Small Business Impact Review

**Date Filed:** 5/1/2023

### Notice of Periodic Review

Pursuant to Executive Order 19 (2022) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, this regulation is undergoing a periodic review.

The review of this regulation will be guided by the principles in Executive Order 19  
<https://TownHall.Virginia.Gov/EO-19-Development-and-Review-of-State-Agency-Regulations.pdf>.

The purpose of this review is to determine whether this regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

The comment period begins May 22, 2023, and ends on June 12, 2023.

Comments may be submitted online to the Virginia Regulatory Town Hall at  
<http://www.townhall.virginia.gov/L/Forums.cfm>.

Comments may also be sent to Name: Kelley Smith; Title: Executive Director, Address: DPOR, 9960 Mayland Drive, Suite 400, City: Richmond, State: Virginia, Zip: 23233, Telephone: (804)367-8590, FAX: (866)245-9693, email address: BarberCosmo@dpor.virginia.gov.

In order for you to receive a response to your comment, your contact information (preferably an email address or, alternatively, a U.S. mailing address) must accompany your comment. Following the close of the public comment period, a report of both reviews will be posted on the Town Hall and a report of the small business impact review will be published in the Virginia Register of Regulations.

| Contact Information   |  |
|-----------------------|--|
| <b>Name / Title:</b>  | Kelley Smith / Executive Director  |
| <b>Address:</b>       | 9960 Mayland Drive<br>Suite 400<br>Richmond, VA 23233                            |
| <b>Email Address:</b> | <a href="mailto:barbercosmo@dpor.virginia.gov">barbercosmo@dpor.virginia.gov</a> |
| <b>Telephone:</b>     | (804)367-8590 FAX: (866)245-9693 TDD: (-)  |

### Publication of Notice in the Register and Public Comment Period

Published in the Virginia Register on 5/22/2023 [Volume: 39 Issue: 20]

Comment Period begins on the publication date and ends on 6/12/2023

Material contained in this agenda is proposed for public discussion and is not for the content of a regulation or official Board position.

Comments Received: 0

**Review Result**

Pending

TH-07 Periodic Review Report of Findings *(not yet submitted)*

 **ORM Economic Review Form** (5/19/2023)

**Attorney General Certification**

Submitted to OAG: 5/1/2023

Review Completed: 5/2/2023

Result: Certified

 **Review Memo**

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

DRAFT AGENDA

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**TO:** VIRGINIA BOARD FOR BARBERS AND COSMETOLOGY  
**FROM:** KELLEY SMITH, EXECUTIVE DIRECTOR  
**SUBJECT:** BODY-PIERCING REGULATORY REVIEW  
**DATE:** JUNE 22, 2023

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At the July 10, 2023 meeting, the Board will need to approve a Notice of Intended Regulatory Action (NOIRA) to initiate these regulatory changes. Please note that you will not be voting on these specific changes, but rather, you are only voting on starting a regulatory action.

The Board can initiate the NOIRA with a motion to “initiate a Notice of Intended Regulatory Action regarding regulatory reduction.”

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Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.



# VIRGINIA

## REGULATORY TOWN HALL



Agency

Department of Professional and Occupational Regulation

Board

Board for Barbers and Cosmetology

Chapter

Body-Piercing Regulations [18 VAC 41 - 60]

Review 2393

### Periodic Review of this Chapter

Includes a Small Business Impact Review

**Date Filed:** 5/1/2023

#### Notice of Periodic Review

Pursuant to Executive Order 19 (2022) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, this regulation is undergoing a periodic review.

The review of this regulation will be guided by the principles in Executive Order 19 <https://TownHall.Virginia.Gov/EO-19-Development-and-Review-of-State-Agency-Regulations.pdf>.

The purpose of this review is to determine whether this regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

The comment period begins May 22, 2023, and ends on June 12, 2023.

Comments may be submitted online to the Virginia Regulatory Town Hall at <http://www.townhall.virginia.gov/L/Forums.cfm>.

Comments may also be sent to Name: Kelley Smith; Title: Executive Director, Address: DPOR, 9960 Mayland Drive, Suite 400, City: Richmond, State: Virginia, Zip: 23233, Telephone: (804)367-8590, FAX: (866)245-9693, email address: BarberCosmo@dpor.virginia.gov.

In order for you to receive a response to your comment, your contact information (preferably an email address or, alternatively, a U.S. mailing address) must accompany your comment. Following the close of the public comment period, a report of both reviews will be posted on the Town Hall and a report of the small business impact review will be published in the Virginia Register of Regulations.

#### Contact Information

|                       |  |
|-----------------------|--|
| <b>Name / Title:</b>  | Kelley Smith / <i>Executive Director</i>   |
| <b>Address:</b>       | 9960 Mayland Drive<br>Suite 400<br>Richmond, VA 23233                            |
| <b>Email Address:</b> | <a href="mailto:barbercosmo@dpor.virginia.gov">barbercosmo@dpor.virginia.gov</a> |
| <b>Telephone:</b>     | (804)367-8590 FAX: (866)245-9693 TDD: (-)  |

#### Publication of Notice in the Register and Public Comment Period

Published in the Virginia Register on 5/22/2023 [Volume: 39 Issue: 20]

Comment Period begins on the publication date and ends on 6/12/2023

Material contained in this agenda is proposed for public discussion and is not for the content of a regulation or official Board position.

Comments Received: 0

**Review Result**

Pending

TH-07 Periodic Review Report of Findings *(not yet submitted)*

 **ORM Economic Review Form** (5/19/2023)

**Attorney General Certification**

Submitted to OAG: 5/1/2023

Review Completed: 5/2/2023

Result: Certified

 **Review Memo**

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

DRAFT AGENDA

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**TO:** VIRGINIA BOARD FOR BARBERS AND COSMETOLOGY  
**FROM:** KELLEY SMITH, EXECUTIVE DIRECTOR  
**SUBJECT:** PERIODIC REGULATORY REVIEW  
**DATE:** JUNE 22, 2023

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Pursuant to Executive Order 19 (2022) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, state regulations must be reviewed every four years to determine whether “they should be continued without change or be amended or repealed, consistent with the stated objectives of applicable law, to minimize the economic impact on small business” while protecting the health, safety, and welfare of the public. The purpose of this review is to determine whether this regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable. The Board has five sets of regulations that will be subject to this review: Public Participation Guidelines Regulations (18 VAC 41-11), Barbers and Cosmetology Regulations (18 VAC 41-20), Tattooing Regulations (18 VAC 41-50), Body Piercing Regulations (18 VAC 41-60), and Esthetics Regulations (18 VAC 41-70).

From May 22 to June 12, 2023, the agency received public comment on each of the Board’s regulations. The Board received public comments regarding two sets of regulations: Barber and Cosmetology and Esthetics. Those comments follow this memo in the agenda package. At the meeting, the Board will discuss the comments and determine whether to retain each of the regulations as is or begin a regulatory action to make changes to some or all the sets of regulations.

The Board may vote to retain the Public Participation Guidelines “as is” with a motion to “retain the public participation guidelines as is.”

The Board may vote to retain the Barbers and Cosmetology Regulations “as is” with a motion to “retain the Barbers and Cosmetology Regulations as is.”

The Board may vote to retain the Tattooing Regulations “as is” with a motion to “retain the Tattooing Regulations as is.”

The Board may vote to retain the Body-Piercing Regulations “as is” with a motion to “retain the Body-Piercing Regulations as is.”

The Board may vote to retain the Esthetics Regulations “as is” with a motion to “retain the Esthetics Regulations as is.”

Materials contained in this agenda are proposed for discussion and are not to be construed as regulation or official Board position.



**VIRGINIA**  
REGULATORY TOWN HALL



Agency

Department of Professional and Occupational Regulation

Board

Board for Barbers and Cosmetology

Chapter

Public Participation Guidelines [18 VAC 41 - 11]

Review 2390

## Periodic Review of this Chapter

Includes a Small Business Impact Review

Date Filed: 5/1/2023

### Notice of Periodic Review

Pursuant to Executive Order 19 (2022) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, this regulation is undergoing a periodic review.

The review of this regulation will be guided by the principles in Executive Order 19  
<https://TownHall.Virginia.Gov/EO-19-Development-and-Review-of-State-Agency-Regulations.pdf>.

The purpose of this review is to determine whether this regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

The comment period begins May 22, 2023, and ends on June 12, 2023.

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<http://www.townhall.virginia.gov/L/Forums.cfm>.

Comments may also be sent to Name: Kelley Smith; Title: Executive Director, Address: DPOR, 9960 Mayland Drive, Suite 400, City: Richmond, State: Virginia, Zip: 23233, Telephone: (804)367-8590, FAX: (866)245-9693, email address: BarberCosmo@dpor.virginia.gov.

In order for you to receive a response to your comment, your contact information (preferably an email address or, alternatively, a U.S. mailing address) must accompany your comment. Following the close of the public comment period, a report of both reviews will be posted on the Town Hall and a report of the small business impact review will be published in the Virginia Register of Regulations.

### Contact Information

|                       |  |
|-----------------------|--|
| <b>Name / Title:</b>  | Kelley Smith / Executive Director  |
| <b>Address:</b>       | 9960 Mayland Drive<br>Suite 400<br>Richmond, VA 23233                            |
| <b>Email Address:</b> | <a href="mailto:barbercosmo@dpor.virginia.gov">barbercosmo@dpor.virginia.gov</a> |
| <b>Telephone:</b>     | (804)367-8590 FAX: (866)245-9693 TDD: (-)  |

### Publication of Notice in the Register and Public Comment Period

Published in the Virginia Register on 5/22/2023 [Volume: 39 Issue: 20]

Comment Period begins on the publication date and ends on 6/12/2023

Material contained in this agenda is proposed for public discussion and is not for the content of a regulation or official Board position.

Comments Received: 0

**Review Result**

Pending

TH-07 Periodic Review Report of Findings *(not yet submitted)*

 **ORM Economic Review Form** (5/3/2023)

**Attorney General Certification**

Submitted to OAG: 5/1/2023

Review Completed: 5/2/2023

Result: Certified

 **Review Memo**

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DRAFT AGENDA

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Good afternoon, Heather

I just wanted to follow up on your interest in attending the NIC Conference.

I have attached everything I think you will need.

Please don't hesitate to call me if you have any questions

Also, below is the information of the membership levels for Virginia's review. As a reminder, only member states have voting privileges so Virginia could go with either a silver or a gold membership.

Thanks  
Rosanne

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Approved Members will have access to NIC programs and services that will promote and support uniformity of the practices of Cosmetology and Related Fields through Testing, Collaboration and a National Data Repository.

In addition, approved Members will have exclusive access to information that will:

- Provide a national forum to promote standards for consumer health and safety, and education for individuals entering the workforce.
- Promote and encourage reciprocity and standardization for the practice of cosmetology and related fields to increase workers mobility nationally and internationally
- Encourage consistency to provide opportunities for military service members and veterans to enter the workforce.
- Support and promote opportunities for the diverse populations entering the professions related to cosmetology, barbering, manicuring and esthetics.
- Encourage our partners to broaden education standards to support recidivism opportunities for individuals interested in working in cosmetology related vocations.
- Provide national Written, Practical and Written Practical examinations for entrance into the profession of cosmetology and related fields that are standardized, valid and legally defensible using psychometric principles.

Active, Associate or Honorary Members may apply for Gold or Silver Membership Access to Exclusive NIC Services and Benefits.

Per NIC By-Laws, qualifications for Active, Associate or Honorary Members are as follows:

Active Members - Entity or individual(s) provided for by statute, charged with the responsibility of enforcing or advising on enforcing the terms thereof, and regulating or advising on the regulation of the practice of cosmetology and/or related fields, which state board is an official member of NIC. Each Board Member shall be considered an Active member.

Associate Member - (1) A board member of his or her respective state, district or territory but which state board has not become officially a member of NIC, (2) An executive director who is not otherwise a state board member, and is closely allied to the state board, or (3) One who is a past state board member of his or her respective state, district, or territory.

Honorary member - shall be one who is a past member of NIC and who has rendered distinguished service and has been elected, by written ballot, to such honorary membership by a two-thirds majority of those present at an annual conference. Each past president of NIC, who is not an Active member, will automatically become an Honorary member of NIC.

Programs and Services – Gold, Silver or Industry Partners

Dependent on membership levels, programs and services include, but are not limited to:

- Access to comprehensive “Members Only” website
- Access to National Database
- State Education and Licensing Directory
- NIC Publications, White Papers, Newsletters and Brochures
- Resource for legislation, rulemaking and Board meetings by providing national data
- Scholarship Opportunities
- NIC Exam Information
- NIC Safe Practices Examination
- Government Reforms & National Topics of Interest
- Virtual and In Person Conferences and Events
- Complimentary Registration for One Delegate to attend Annual Conference
- Annual Conference Registration Discounts
- Networking Opportunities
- Executive Director Committee Updates
- United State Map – Provides Links to Test Administration Providers/States
- Sponsorship Opportunities
- Bookstore

Gold Membership

Provides access to the NIC National Database and more! The fee for Gold Membership is \$2,500.00 annually.

Silver Membership

Provides exclusive access to specific programs and services. The fee for Silver Membership is \$1,500.00 annually.

A new opportunity has been created for our Industry Partners. This new service is designed to provide a national forum for Companies and Associations to network with State Board Members and Executive Director’s throughout the US.

Industry Partner Members will have access to Silver Member Benefits. The fee for Industry Partner Membership is \$1,500.00 annually.

Membership year begins July 1 – June 30. Membership fees must be submitted and renewed annually, or will expire and no longer allow for access to Member Benefits.

Contact Rosanne Kinley for assistance.

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

DRAFT AGENDA

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Please Disregard First Notice (Incorrect Date) NIC 2023 Annual Conference - Albuquerque New Mexico!

National Interstate Council of State Boards of Cosmetology

Tue 5/16/2023 10:46 AM

To: DPOR: Board for Barbers & Cosmetology (DPOR) <barbercosmo@dpor.virginia.gov>

## NIC Annual Conference 2023

# Registration Is Now Open!

October 27 - October 30, 2023

**NIC is inviting member states, non-member states and non-member participants to join us at our Annual Conference in Albuquerque New Mexico!**

Member/Non-Member States Register Here

Non-Member Participants Register Here

**Member States and Non-Member States Registration packet (this registration is for states who are NIC members and states who are non-members)**

Click on the first black button to register!

**Non-Member Participants Registration packet (this registration is for individuals who are not affiliated with a state agency or regulatory board)**

Click on the second black button to register!

We will be staying five minutes away from historic old town in Albuquerque and the famous Balloon Park! There is shopping, museums, restaurants, tours and much more available for everyone to enjoy during your leisure time.

**Agenda Topics:**

**Overview of Regulatory Inspections** - Council on Licensure, Enforcement & Regulation, (Clear)

**Live demonstration of the NIC National Database** - Certemy

**Potentially Problematic Salon Practices and Product Ingredients** - Schoon Scientific + Regulatory Consulting, LLC

**Occupational Licensure for Military Families; Regulatory Strategies to Promote Reciprocity – Veterans Accelerated Licensure Occupational Recruitment (VALLO)**

**Remote Education and Gainful Employment Rule – How do these topics impact regulation and schools** - Association of American Cosmetology Schools (AACCS)

**NIC's Exam Development Partner** - Provo, Inc.

**Break out (Concurrent Sessions):**

- **Mobile Services**
- **National Challenges**

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**National Interstate Council  
of State Boards of Cosmetology**

[www.nictesting.org](http://www.nictesting.org)

   
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Materials contained in this agenda are provided for discussion and are not to be construed as regulation or official Board position.

## Military Spouse Licensing Relief Act

### Background:

The legislation lays out basic requirements for license reciprocity. It applies to service members or their spouses who have a covered professional license and relocate because of military orders (permanent change of station order) to another jurisdiction.

A covered license is defined as being in good standing with the licensing authority that issued it, and the holder must have actively used the license in the two years immediately preceding their relocation.

State authorities in the new jurisdiction must accept the person's application for a new license in the same discipline, and at a similar scope of practice, for the duration of the military orders.

The spouse/service member must:

- Provide a copy of the military orders to the new jurisdiction's licensing authority
- Remain in good standing with the licensing authority that issued the previous license, and with every other licensing authority that has issued a license with a similar scope of practice to that person
- Abide by the rules of the licensing authority in the new jurisdiction in terms of standards of practice, discipline and meeting any continuing education requirements.

If there is an interstate licensure compact in place, and the spouse/service member is licensed and able to operate in multiple jurisdictions through the compact, that compact will take precedent over this provision in federal law.

### Links:

<https://www.congress.gov/bill/117th-congress/house-bill/7939>

<https://mikegarcia.house.gov/news/documentsingle.aspx?DocumentID=849>

[It's official: Military spouses to get employment relief after moving \(militarytimes.com\)](#)

[Are spouses' problems with license portability about to be solved? \(militarytimes.com\)](#)



**TO:** VIRGINIA BOARD FOR BARBERS AND COSMETOLOGY  
**FROM:** KELLEY SMITH, EXECUTIVE DIRECTOR  
**SUBJECT:** FINANCIAL STATEMENTS  
**DATE:** JUNE 26, 2023

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Attached you will find the most recent Statement of Financial Activity and the Supporting Statement of Year-to-Date Activity for the Board. Additionally, you will find the Agency Statement of Financial Activity.

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Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

**Department of Professional and Occupational Regulation  
Statement of Financial Activity**

**Board for Barbers and Cosmetology  
954230**

**2022-2024 Biennium**

**April 2023**

|   | April 2023<br>Activity | Biennium-to-Date Comparison |                           |
|---|------------------------|-----------------------------|---------------------------|
|   |                        | July 2020 -<br>April 2021   | July 2022 -<br>April 2023 |
| <b>Cash/Revenue Balance Brought Forward</b> |                        |                             | 810,212                   |
| <b>Revenues</b>                             | 292,333                | 3,316,690                   | 3,442,740                 |
| <b>Cumulative Revenues</b>                  |                        |                             | 4,252,952                 |
| <b>Cost Categories:</b>                     |                        |                             |                           |
| <b>Board Expenditures</b>                   | 12,940                 | 181,430                     | 182,188                   |
| <b>Board Administration</b>                 | 55,237                 | 908,416                     | 949,297                   |
| <b>Administration of Exams</b>              | 1,509                  | 51,118                      | 50,892                    |
| <b>Enforcement</b>                          | 41,538                 | 734,179                     | 855,873                   |
| <b>Legal Services</b>                       | 0                      | 27,240                      | 35,512                    |
| <b>Information Systems</b>                  | 61,737                 | 632,520                     | 551,293                   |
| <b>Facilities and Support Services</b>      | 27,868                 | 289,474                     | 274,522                   |
| <b>Agency Administration</b>                | 32,961                 | 417,203                     | 634,881                   |
| <b>Other / Transfers</b>                    | 0                      | 0                           | (920)                     |
| <b>Total Expenses</b>                       | 233,789                | 3,241,581                   | 3,533,536                 |
| <b>Transfer To/(From) Cash Reserves</b>     | (3,373)                | 0                           | (56,508)                  |
| <b>Ending Cash/Revenue Balance</b>          |                        |                             | 775,923                   |

|                                       |           |   |           |
|---------------------------------------|-----------|---|-----------|
| <b>Cash Reserve Beginning Balance</b> | 5,377,910 | 0 | 5,431,044 |
| <b>Change in Cash Reserve</b>         | (3,373)   | 0 | (56,508)  |
| <b>Ending Cash Reserve Balance</b>    | 5,374,536 | 0 | 5,374,536 |

|                            |        |
|----------------------------|--------|
| <b>Number of Regulants</b> |        |
| Current Month              | 74,112 |
| Previous Biennium-to-Date  | 73,239 |

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**Department of Professional and Occupational Regulation  
Supporting Statement of Year-to-Date Activity**

**Agency Total  
Fiscal Year 2023**

|                                  | Jul              | Aug              | Sep              | Oct              | Nov              | Dec              | Jan              | Feb              | Mar              | Apr              | May      | Jun      | Fiscal YTD Charges | Planned Annual Charges | Current Balance  | Projected Charges at 6/30 | Projected Variance Favorable (Unfavorable) |              |
|----------------------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|----------|----------|--------------------|------------------------|------------------|---------------------------|--|--------------|
|                                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |          |          |                    |                        |                  |                           | Amount                                     | %            |
| <b>Board Expenditures</b>        | 240,785          | 135,356          | 115,811          | 155,623          | 171,445          | 229,739          | 100,781          | 165,674          | 202,094          | 117,076          | 0        | 0        | 1,634,383          | 2,289,682              | 655,299          | 1,909,917                 | 379,765                                    | 16.6%        |
| <b>Board Administration</b>      | 581,962          | 397,550          | 386,885          | 206,213          | 374,175          | 637,198          | 202,327          | 368,946          | 569,064          | 231,327          | 0        | 0        | 3,955,647          | 6,091,507              | 2,135,860        | 4,459,904                 | 1,631,603                                  | 26.8%        |
| <b>Administration of Exams</b>   | 39,210           | 27,084           | 28,416           | 13,874           | 27,042           | 43,638           | 13,540           | 29,679           | 20,113           | 7,412            | 0        | 0        | 250,008            | 376,174                | 126,166          | 281,716                   | 94,458                                     | 25.1%        |
| <b>Enforcement</b>               | 939,715          | 669,917          | 661,520          | 319,077          | 328,847          | 1,018,842        | 325,761          | 587,085          | 880,748          | 321,260          | 0        | 0        | 6,052,774          | 9,088,134              | 3,035,360        | 6,860,204                 | 2,227,930                                  | 24.5%        |
| <b>Legal Services</b>            | 0                | 0                | 25,540           | 10,492           | 50               | 200              | 106,047          | 46,602           | 46,702           | 11,535           | 0        | 0        | 247,166            | 271,314                | 24,148           | 296,599                   | -25,285                                    | -9.3%        |
| <b>Information Systems</b>       | 162,794          | 258,278          | 199,371          | 143,010          | 237,968          | 213,873          | 237,573          | 369,229          | 269,729          | 265,065          | 0        | 0        | 2,356,891          | 3,235,048              | 878,157          | 2,762,187                 | 472,861                                    | 14.6%        |
| <b>Facilities / Support Svcs</b> | 108,265          | 178,693          | 150,000          | 128,795          | 169,087          | 179,095          | 141,202          | 172,015          | 181,953          | 161,688          | 0        | 0        | 1,570,793          | 2,311,417              | 740,624          | 1,847,849                 | 463,568                                    | 20.1%        |
| <b>Agency Administration</b>     | 297,208          | 210,026          | 420,127          | 207,803          | 277,270          | 384,521          | 120,869          | 246,587          | 406,887          | 141,515          | 0        | 0        | 2,712,813          | 3,869,797              | 1,156,984        | 3,097,046                 | 772,751                                    | 20.0%        |
| <b>Other / Transfers</b>         | 0                | 0                | 0                | 0                | 0                | 0                | -3,850           | 0                | 0                | 0                | 0        | 0        | -3,850             | 0                      | 3,850            | -4,620                    | 4,620                                      |              |
| <b>Total Charges</b>             | <b>2,369,938</b> | <b>1,876,905</b> | <b>1,987,671</b> | <b>1,184,886</b> | <b>1,585,885</b> | <b>2,707,106</b> | <b>1,244,250</b> | <b>1,985,817</b> | <b>2,577,289</b> | <b>1,256,877</b> | <b>0</b> | <b>0</b> | <b>18,776,624</b>  | <b>27,533,073</b>      | <b>8,756,449</b> | <b>21,510,802</b>         | <b>6,022,271</b>                           | <b>21.9%</b> |

**Department of Professional and Occupational Regulation  
Statement of Financial Activity**

**Agency Total**

**2022-2024 Biennium**

**April 2023**

|   | April 2023<br>Activity | Biennium-to-Date Comparison |                           |
|---|------------------------|-----------------------------|---------------------------|
|   |                        | July 2020 -<br>April 2021   | July 2022 -<br>April 2023 |
| <b>Cash/Revenue Balance Brought Forward</b> |                        |                             | 3,453,476                 |
| <b>Revenues</b>                             | 1,569,104              | 17,040,094                  | 16,735,724                |
| <b>Cumulative Revenues</b>                  |                        |                             | 20,189,200                |
| <b>Cost Categories:</b>                     |                        |                             |                           |
| <b>Board Expenditures</b>                   | 117,076                | 1,391,768                   | 1,634,383                 |
| <b>Board Administration</b>                 | 231,327                | 3,684,101                   | 3,955,647                 |
| <b>Administration of Exams</b>              | 7,412                  | 247,162                     | 250,008                   |
| <b>Enforcement</b>                          | 321,260                | 5,585,852                   | 6,052,774                 |
| <b>Legal Services</b>                       | 11,535                 | 198,307                     | 247,166                   |
| <b>Information Systems</b>                  | 265,065                | 2,629,063                   | 2,356,891                 |
| <b>Facilities and Support Services</b>      | 161,688                | 1,600,478                   | 1,570,793                 |
| <b>Agency Administration</b>                | 141,515                | 1,734,201                   | 2,712,813                 |
| <b>Other / Transfers</b>                    | 0                      | 0                           | (3,850)                   |
| <b>Total Expenses</b>                       | 1,256,877              | 17,070,932                  | 18,776,624                |
| <b>Transfer To/(From) Cash Reserves</b>     | (19,264)               | 0                           | (1,330,146)               |
| <b>Ending Cash/Revenue Balance</b>          |                        |                             | 2,742,722                 |

|                                       |            |   |             |
|---------------------------------------|------------|---|-------------|
| <b>Cash Reserve Beginning Balance</b> | 16,683,068 | 0 | 17,993,950  |
| <b>Change in Cash Reserve</b>         | (19,264)   | 0 | (1,330,146) |
| <b>Ending Cash Reserve Balance</b>    | 16,663,805 | 0 | 16,663,805  |

**Number of Regulators**

|                           |         |
|---------------------------|---------|
| Current Month             | 321,518 |
| Previous Biennium-to-Date | 308,696 |

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